Albemarle County Planning Commission
December 3, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, December 3, 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. Mr. Loach arrived at 6:13 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

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

Sarah Rhodes, the MPO Coordinator with Thomas Jefferson Planning District Commission was present.

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 no comments, the meeting moved to the next item.

Committee Reports:

Mr. Morris invited committee reports.

The following committee reports were given:

- Mr. Lafferty noted he would not report on the MPO Policy Board because they would hear about that later from Sarah Rhodes.

- Mr. Randolph reported on two committees:
  - The Historical Preservation Committee and its concern for important historic sites, including significant houses and gravesites, found in the Western Bypass process.
  - The CIP and its efforts to put ACE in a more financial solvent position in the CIP budgeting process as well as fund improvements to the Henley gym.

- Mr. Morris reported the first meeting was held by the Free Bridge Congestion Relief Project Committee, which he thinks will have some very positive outcomes for the Pantops Area Master Plan process.

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

Review of Board of Supervisors Meeting – November 13, 2013

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on November 13, 2013.

Consent Agenda:

Approval of Minutes: August 6, 2013, August 27, 2013, September 17, 2013, October 8, 2013 and October 22, 2013

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

Motion: Mr. Lafferty moved and Mr. Smith seconded for acceptance of the consent agenda.

The motion carried by a vote of 7:0.

Mr. Morris noted the consent agenda was approved.

Update on Approval of the 2040 Long Range Transportation Plan Preferred Scenario and Next Steps

The MPO is in the process of updating the 2040 Long Range Transportation Plan (LRTP). The update process includes creating and running project scenarios through performance measures. After three rounds of refinement, the preferred scenario has been approved by the MPO Policy Board. Sarah Rhodes, the MPO Coordinator with the Thomas Jefferson Planning District Commission will provide a short update on the status of the MPO's 2040 Long Range Transportation Plan and will review the next steps in the project which will be working with VDOT to fiscally constrain the approved preferred scenario. Ms. Rhodes anticipates next updating the Commission on the status of the fiscal constraint element of the project in February 2014. (Sarah Rhodes)

Sarah Rhodes, the MPO Program Manager from the Thomas Jefferson Planning District Commission, gave a brief presentation on the Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan update.

On November 20, 2013 the MPO Policy Board after a two year journey approved the final preferred scenario for the Long Range Transportation Plan as well as project lists for intersection improvements, bridge improvements, and bike and pedestrian improvements. While they have approved these lists that does not mean the story is over. They have to go through the fiscal constraint process, which means they have to prioritize the projects which they cannot afford. They are still waiting on a final number from the central office of what that overall figure will be. The Long Range Transportation Plan has a 25 year outlook and they get an overall estimation of what funding they can expect to receive over those 25 years for the MPO. They have a preliminary figure of approximately 300 million dollars that came from the end of 2012. Since then there have been some changes in transportation funding particularly at the state level and they are waiting on a new figure. They were supposed to get that in mid-November. They are hoping to get that soon because they must begin that fiscal constraint process. Therefore, they are working on that process.

The MPO Policy Board decided to move forward several projects into the fiscal constraint process, as follows:

- It includes a project called the U.S. 250/29 Widening Project. This project would be a widening from Barracks Road to I-64 of US 29/250, which would go from Barracks Road to Fontaine Avenue as six lanes and then from Fontaine Avenue to I-64 as eight lanes. That project's overall estimate is 113 million dollars, which is very expensive considering the baseline cap is 300 million. So they are working with VDOT about how they can

prioritize portions of the projects, specifically preliminary engineering into the Long Range Transportation Plan so that they can progress with that project since it is very important and very valuable for the region. It is also a later life project since they see the need for it closer to 2040. It is something that will stay in the plan and discussion, but perhaps not something they will fully fund at this time.

- Another project paired with the widening project is the I-64/US 29 Interchange, which will deal with both capacity and safety issues and is more pressing. The overall cost estimate is 128 million.

- The Multi-Modal US 29 concept comes across as a road project, but it is really meant to facilitate transit and bike and pedestrian mobility in the US 29 Corridor. This project would be to reshape the US 29 Corridor from the north fork of the Rivanna River south to Hydraulic Road to allow for bus rapid transit and bike and pedestrian mobility. Specifically, it would be for facilities along US 29, but more importantly facilities across US 29. That is coming in at 46.3 million dollars.

- Sort of working in tandem with that is the transit project they worked on for bus rapid transit/express bus in the US 29 Corridor. Outside the corridor while they would facilitate the movement of this service using signal priority it becomes express bus when one goes into the city. That service would go form NGIC towards UVA and into Downtown pretty much replacing Route 7. That overall cost is coming in at 112 million, which includes bus rapid transit, and infrastructure improvements north of the Rivanna River which are not part of the Multi-Modal US 29 concept. It includes the operating and capital costs for putting down a facility like this It also includes revenues that they anticipate receiving from the service and what the service would replace. Essentially the cost of Route 7 would be deducted from this overall cost.

- The widening of Route 250 from exit 64 to North Milton Road project would basically take that section of US 250, which is near Pantops, and widen it to four lanes. Right now it is three lanes in some places, but two lanes in most places. With the widening to four lanes they are seeing some significant congestion relief in that corridor. That improvement works somewhat in tandem with the improvements to the interchange both for capacity and safety of Exit 124, which is the major Pantops exit. The improvement for the widening is coming in at 21 million, while the improvement for the interchange is coming in at 95 million.

- The remaining three projects include Berkmar Drive Extended. The cost estimate update is 56.9 million dollars. The peak hour service to Crozet would happen from 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m. It would extend from Downtown to Crozet on Route 250. The cost estimate is 33 million dollars. The final project is an increase of service of the existing Route 10, which is the transit route that goes into Pantops. This would increase the headways on this route from the existing headways, which are hourly to 15 minute headways during peak hours and 30 minute headways during off peak hours. They would also construct a transit only lane along Free Bridge that would travel from the Stony Point intersection across Free Bridge into the High Street intersection. It would essentially allow the service to jump traffic along that corridor, which makes the service more attractive. Without that they are unable to meet those headways with that service. Therefore, it would be required to get that level of service for the route.

Those are the projects that the MPO Policy Board voted to move forward with.

The MPO Policy Board looked at intersection improvements to see how to prioritize intersections in the region. They looked at crash data for intersections and identified intersections that had a higher than average crash rate compared to other similar intersections based on traffic volume. She reviewed the process in determining the intersections with the higher than average crash rate. Based on the recommendation of the MPO Technical Committee the MPO Policy Board elected to use this list as a visioning list. It would not be included in the constrained plan, but some intersections on this list could move into the constraint plan in a relatively seamless fashion. It allowed them more latitude and mobility should intersections that have these incidents pop up as something that need to be improved relatively quickly. It allows the planners and elected officers more opportunity to handle these intersections.

There was discussion about three other intersections, as noted in the memo, which will be added to this list. Mr. Huju requested that the intersections at Preston and Ridge/McIntire be added to the list, as well as Ridge and West Main Street. David Benish and the MPO Technical Committee requested that US 250 and Owensville Road be added to the list. So that will be added as well.

The MPO Board will discuss this in more detail when they come to fiscal constraints. However, all of the intersections on the list plus the three mentioned will be on a visioning list for the Long Range Transportation Plan. They will be funded as the MPO Policy Board sees fit.

Ms. Rhodes invited questions.

Mr. Randolph asked if there is anyway there could be some kind of visual notification or warning to motorists that lets them know when coming into an intersection with a high crash zone. Having some kind of notification system that would be very visible might be helpful to cut down the number of crashes, particularly at Hydraulic and 29. The other thing missing is fatalities.

Ms. Rhodes replied that she had not seen that for intersections, but had seen that in the highway corridors. She could do more research and follow up. She pointed out that the crash data is over a five year period.

Mr. Lafferty noted they requested the grade separated interchanges for those two intersections in Places29.

Mr. Randolph pointed out that putting the buses into those intersections created a greater risk factor.

Ms. Rhodes moved on to bridge replacements, which is based on sufficiency rating. There is a process that VDOT implements that the city follows as well for looking at bridges to make sure they are in the proper order for replacement priority. They defer to that process. They put together a list working with the city and VDOT to make sure that they have all of the bridges in the area of top priority over the next six years included in the Long Range Transportation Plan. This will ensure that when they are ready to replace the bridges the funding is available and open to do so. This is not something they typically get a lot of input on. There is a very solid system in place. These bridges start to become a priority when their sufficiency rating reaches 50 or less. Information has been included in the materials. Several of these bridges are already in the current Long Range Transportation Plan and will fold over into the updated plan. Some of these bridges will be new bridges. The map identifies that as well.

Ms. Rhodes moved on to bike and pedestrian. This is somewhat difficult. They took all of the proposed projects that have been looked at from the City's Bike and Pedestrian Master Plan to the County's Master Plans. This is the first time that all of the proposed bike and pedestrian facilities have been in one GIS file. What they did was take all of that information and ended up with 270 projects, which is not realistic. They looked at these improvements with a regional eye in how these improvements can allow connectivity between UVA, the City and the County. They also looked at these improvements using the MPO's newly developed bike model. The model allowed us to identify high traffic or high volume corridors that did not have approved facilities and prioritize facilities in those corridors. They have a list of 36 bike and pedestrian improvements, which means multi-use paths and projects that are described as including both bike improvements and pedestrian improvements with bike lanes and sidewalks. That is what is included on the list of 36 projects. The next list refers to where bike lanes would go. There are 29 bike lane improvements that they will be looking at. There are 9 pedestrian improvements they are working on trying to facilitate regional mobility. They see that more successfully with multi-use paths, which is why that list is longer. This list includes some important projects, particularly crossing points for US 29 and US 250.

Ms. Rhodes noted the MPO has prioritized a controversial project, which would extend the multi-use paths along the Rivanna River Corridor all the way to US 29 basically connecting US 29 and Pantops for bikers and pedestrians. This is a very difficult project. There are significant issues. Everything else has basically been a part of plans seen for years. She explained the southern region proposal into the City and the Northtown Trail, which was approved on the 20th and what they will be moving forward with. They are working on fiscal constraint at this time. She will be inviting the Commissioners to come to a lunch in February to discuss the fiscal constraint process. From there they will move forward with the approval of the Long Range Transportation Plan, which is scheduled for approval in May.

Mr. Morris invited questions.

Ms. Monteith asked how they will go through the fiscal constraint evaluation since the round numbers are way above what they may be getting as a budget.

Ms. Rhodes replied they will be redoing the cost estimates and reviewing them. However, they don't expect them to change too much. Then they will begin looking at how they want to prioritize projects and what makes sense for the needs of the community. Certain projects will make more sense to be prioritized earlier. For example, the widening of Route 250 at Shadwell improvement was seen congestion wise direr than perhaps the widening of 250/29. They will have that conversation and discuss those things. They will also discuss phasing. It is basically a large back and forth with VDOT. She was pushing to get that final figure in place to allow people to place each portion they see coming forward in order to have that kind of public exercise to look at fiscal constraint.

Mr. Lafferty asked if inflation would figure into the phasing, and Ms. Rhodes replied absolutely they would have to consider the year of expenditure.

Mr. Loach noted the peak hour of service for Crozet is 33 million dollars for six hours of service. He asked what kind of buses they would use.

Ms. Rhodes replied that 33 million dollars is the cost of the service over a 20-year period.

Mr. Morris invited public comment.

Neil Williamson, with the Free Enterprise Forum, said he appreciates Mr. Randolph highlighting the intersection challenges on US 29. He would suggest there may be another solution besides overpasses. He suggested that 270 accidents over the last five years at just two of those intersections would be one a week. The inaction of the locality on a bypass is a hindrance to safety. He would also like to draw attention to some of the maps included in this presentation and in some of the Long Range Planning documents. It is discerning that a roadway that is proposed and funded does not appear on many of these maps. If this is a Long Range Transportation Plan it should be focused on what will be based on the current information they have.

There being no further public comment, Mr. Morris closed the public comment to bring it back to the Planning Commission for any additional comments.

Mr. Lafferty asked if this is based on the assumption that the Bypass would be built, and Ms. Rhodes replied yes, the Bypass is included in the capacity analysis.

Mr. Morris thanked Ms. Rhodes for the presentation.

- No formal action required.

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.** The proposed ordinance would amend Section 3-219, Keswick Agricultural and Forestal District, to add Tax Map 65, Parcels 14A and 14A1, approximately 36.86 acres in size. Located at the intersection of Louisa Road (Route 22) and Airslie Farm. The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (Scott Clark)
c. **AFD-2013-00003. Hardware Addition – Felder.** The proposed ordinance would amend Section 3-214, Hardware Agricultural and Forestal District, to add 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 recommended approval of this addition. (Scott Clark)
d. **AFD-2013-00005. Glen Oaks Addition - N. Sansovich.** The proposed ordinance would amend Section 3-213.5, Glen Oaks Agricultural and Forestal District, to add 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 recommended approval of this addition. (Scott Clark)
e. **AFD-2013-00006. Glen Oaks Addition - S. Sansovich.** The proposed ordinance would amend Section 3-213.5, Glen Oaks Agricultural and Forestal District, to add 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 recommended approval of these additions. (Scott Clark)

Mr. Morris 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.

Mr. Clark presented a PowerPoint presentation and summarized the staff reports for the five requests for the ten-year review and additions to the agricultural and forestal district on the following items.

AFD-2013-0001 Ivy Creek District
This item was reviewed by the Planning Commission on October 22, 2013. However, due to issues with the Agricultural/Forestal Districts Advisory Committee's prior action, the item was not properly before the Commission for action. The item has now been properly reviewed by the Committee and is now before the Commission for public comment and recommendation for action.

Proposal: Ten-year review and two withdrawal requests

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

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.

On November 14, 2013, staff received a withdrawal request from the Jane Tarleton Smith Moore Trust, which owns three parcels (TMPs 44-35, 44-35A, and 45-7A), which total 102.75 acres. The property is under a conservation easement held by the Virginia Department of Historic Resources. With this withdrawal; the total acreage of the District would be 227.25. The second withdrawal was a 6.5 acre parcel owned by Dr. Shanner, which leaves the total acreage of 220.73 for the resulting District.

Committee Recommendation: At their meeting on November 7, 2013, the Agricultural/Forestal Districts Advisory Committee recommended renewal of the Ivy Creek District for a 10-year period.

AFD-2013-00002. Keswick Addition

Proposal: This proposal would add two parcels to the Keswick District for a total of 36.8 acres.

Committee Recommendation:
At its meeting on November 7, 2013, the Agricultural and Forestal Districts Advisory Committee recommended approval of the proposed addition to the Keswick District Agricultural and Forestal District.

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.

Recommendation:
At their meeting on November 7, 2013, the Agricultural/Forestal Districts Advisory Committee recommended approval of this addition for AFD-2013-00003.

Mr. Clark noted there were two proposed additions to the Glen Oaks District.

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

Proposals:
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.

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).

These parcels were only recently recorded, and have not yet been mapped by the County. Therefore, exact acreages of agricultural soils are not available. However, maps of the area show that a large proportion of the soils are considered important for agriculture. No dwellings exist on these parcels.

Recommendation:
At their meeting on November 7, 2013, the Agricultural/Forestal Districts Advisory Committee recommended approval of AFD-2013-00005 and AFD-2013-00006.

Mr. Morris invited questions for staff.

Mr. Dotson said he had a couple of general questions that would help him understand the AF District in general. Staff indicates that under the Code that when a District is renewed the conditions of the AF District could be modified. He asked if they had ever done that in his experience. He clarified does modified mean change the term of the AF District or to change the boundaries.

Mr. Clark replied that he would assume it means to change the boundaries. However, since they had never done that he was not exactly sure.

Mr. Cilimberg noted again to modify the term that most of our Districts have been the maximum ten years and they could choose to renew it for between four and ten years. He recalled one case some years ago in the 90's when there was some question about whether a District could be infringing upon the Earlysville Development Area if it were a Village at the time if it were to expand during the next Comp Plan review. The decision was made for that District to be renewed for a lesser period of time than its maximum potential renewal. As it turned out Earlysville was removed as a Village or growth area. So since then that District has had the same terms as the others.

Mr. Dotson said the flexibility is the period of time and not the provisions of the AF District since those are established and then the boundary based on property owner interest in coming in or withdrawing. Secondly, staff indicates in the Ivy Creek area that this is under conservation

easement to the State Department of Historic Resources. He asked does that easement restrict buildings or just the immediate surroundings of the buildings, or does it restrict the whole property the way an ACE easement or another kind of easement might.

Mr. Clark replied that he did not actually know the terms of that easement. They have a record that it is there, but they don't have the document itself. He offered to find that out for the Board meeting tomorrow if that would seem helpful. Unfortunately, he did not have the detailed terms.

Mr. Dotson noted it was the landowner's right to withdraw, but as a matter of just understanding how the different kinds of easements work might be useful information. The third question is in regards to the land use tax when somebody takes land out of an AF District. His understanding is that in the AF District one automatically qualifies for land use. If one was no longer in the District, then the property owner would have to document the use under which they were claiming use value.

Mr. Clark replied as he understands it being in the District does not automatically qualify someone. The property owner would still need to apply and meet the requirements. For example, the 6.5 acre parcel being withdrawn would not meet the 20 acre minimum for the open space tax category, which is the only one that just being in the District will allow the property owner to qualify for. They would have to meet the acreage requirement as well.

Mr. Dotson noted that it could have varied effects, and Mr. Clark agreed.

There being no further questions, Mr. Morris opened the public hearing for public comment. He invited the applicants or members of the public to come forward and address the Planning Commission on any of the five items.

Neil Williamson, with the Free Enterprise Forum, said the growth of the Agricultural & Forestal Districts has been very encouraging, which really does tie back to the question with regard to the revalidation process that goes through for land use taxation. It is interesting, however, when he looks at the process that they don't deal with that often here. They have done a lot because they have had so many come in. However, they actually have a committee review it and then hold a public hearing all for what is a ten year agreement. Yet when conservation easements are entered into the public has no say. The neighboring property owner loses property rights by that conservation easement coming in. The adjoining property owner gains benefit from the conservation easement as well. It just seems like a non sequitur that this process, which is a ten year process, has this entire public process along with it and a conservation easement that is perpetual does not.

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

Mr. Kamptner said he assumed there was consensus to take one action for the five items.

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

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

Mr. Morris noted the five requests would go to the Board of Supervisors on December 4, 2013 with a recommendation for approval.

Public Hearing

ZTA-2012-00010 Off-site Signs – The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance to amend Secs. 18-4.15.2, Definitions, and 18-4.15.5, Signs authorized by special use permit, and to add Sec. 18-4.15.5A, Signs authorized by special use permit; off-site signs, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-4.15.2, Definitions, by adding definitions of terms related to off-site signs, amend Sec. 18-4.15.15 to pertain only to electric message signs and to move the regulation of off-site signs to new Sec. 18-4.15.5A, which establishes three classes of off-site signs – bundle signs, directional signs, and signs in the public right-of-way – allowed by special use permit, and establishes eligibility criteria, minimum standards, and exemptions from the SP requirement. 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)

Ms. Burbage, with the assistance of Amelia McCulley, presented a PowerPoint presentation for ZTA-2012 – 010 Off-Site Signs.

Background:

- **Off-site signs** are signs that are not located on the same lot as the use to which the sign pertains and are regulated under Section 4.15.5.
- **Most off-site signs are allowed by Special Use Permit (SP) with the exception of political, subdivision, temporary signs, Planned Development District, and Ag Product signs.**
- **Off-site signs allowed by special use permit are reviewed by the Board of Zoning Appeals (BZA).** Approval requires a finding that the on-site signage is "ineffective to communicate its message off-site because of topography or vegetation." That wording has been problematic for the BZA in the implementation process by very specifically limiting the criteria to topography and vegetation, and also being somewhat vague as to how far off site it is. Therefore, that was one of the focuses of this amendment.
- **An off-site sign does not allow for additional signage** beyond what is otherwise allowed for the property where the sign is located (1 sign/ street frontage).
- **January 4, 2012 – Board adopts Resolution of Intent** to focus on clarifying the qualifying criteria for off-site signs and also consider whether the Board might be a more appropriate approving body for off-site sign special use permits instead of the BZA.
- **June 26 (2012), February 12 & April 23 2013 Planning Commission work sessions** and ultimately decided the following:
    - Keep BZA as approving body
    - Introduce directional & bundle sign classifications
    - They talked about clarifying the qualifying criteria, and
    - Introducing location criteria for both of two classes of off-site signs.

Staff also discussed introducing two new classifications of off-site signs: directional signs and bundle signs. The idea being that there really are two kinds of off-site signs. One is necessary when a business is in a somewhat remote or difficult to see location and requires directional signage. Another type of sign, which is akin to what is allowed by right for Planned Development Districts and Subdivisions, would essentially enable businesses located on a shared roadway to co-locate their signage.

During previous discussions, the Planning Commission recommended that they look for opportunities for administrative review of off-site signs when possible. Both the bundle signs and directional signs now are proposing by-right options.

Staff reviewed the proposed changes for each classification.

Directional signs

- Qualifying criteria – replaces current problematic language & provides a specific standard for visibility.
- Staff felt that 100 ft was a reasonable visibility distance that allows for safe turns into the property.
- Approval method – introduces a by right option for 24- hour emergency medical & public uses (schools, parks, playgrounds operated by public entities); all other would require special use permit.
- Directional signs would be permitted in any type of zoning district if they met the qualifying criteria. In any zoning district if a directional sign:
  1) Within ½ mile of the entrance on the road where the entrance is located, or only if 1 is not possible:
  2) Within ¼ mile of turning decision, or only if 1 & 2 are not possible:
  3) Another location with BZA approval

Bundle Signs

The second classification staff is proposing is a bundle sign. Bundle signs are available to properties located in a commercial, residential or industrial zoning district that are served by a common entrance or access road. This essentially extends the same permissions to commercial development that is afforded to planned development.

Staff proposes that bundle signs be permitted by right in industrial, commercial or > R4, Residential zoning districts. Allowing them by right effectively incentivizes bundling.

- A special use permit (SP) would be necessary in lower density (R4 or lower) residential districts.
- In terms of location, bundle signs can be located in any commercial, planned development, industrial or R6 residential district on a lot that has frontage on an access road that serves all of the properties listed on the sign.
- Does not allow for additional signage (no change).

Recommendation

- Staff recommends the Planning Commission to recommend adoption of the draft ordinance language found in Attachment A of the staff report.

Mr. Morris invited questions.

Mr. Randolph questioned the wording under the directional signs for the provision that mentions emergency medical service facilities and does not say hospitals. He assumes they are creating a broader definition that would include hospitals and doc in a box.

Ms. Burbage replied yes, if it was providing 24 hour emergency medical care it would qualify. Those would not be subject to the location criteria.

Mr. Randolph asked if on Pantops if under this policy it would be allowable by right for both the hospital and doc in box to be putting signs all along the 250 Corridor directing traffic to both.

Ms. Burbage replied it is correct. They would only be allowed to have one off-site sign.

Mr. Randolph pointed out he was trying to find out the number. He did not want to see them unintentionally all of a sudden spawn a lot of medical signs.

Ms. Monteith pointed out that Ms. McCulley is looking it up.

Mr. Lafferty asked if it counts against their allotted signs; and therefore could not put up like south of the border type signs.

Mr. Burbage replied it would not stop them from approaching multiple property owners at each parcel along the roadway to have a directional sign.

Mr. Lafferty noted likewise in the bundle sign staff said they could be placed in any of the blue slots. He questioned if they could put a sign on all of the blue slots.

Ms. Burbage replied that they did not alter the number of off-site sign allowances from what was permitted previously. It seems they were only allowing one off-site sign per business.

Mr. Morris said it seems like that was what was said at the last meeting.

Mr. Burbage replied that she was not seeing that wording in the ordinance.

Mr. Kamptner asked the Commission to let staff clarify that. However, he was thinking that for directional signs if they have traffic coming from two different sides they may need more than one sign.

Ms. McCulley noted staff would need to clarify that before the public hearing.

Mr. Morris pointed out this was strictly for a 24-hour operation for a doc in the box. So that would eliminate the Med One in the Pantops area.

Ms. McCulley said she did not think the language currently limits it because it says signs in the language describing it. She thought they have to add some language to reduce the number.

Mr. Morris said it was an excellent point that coming from the east and west that directional signs were needed.

Mr. Dotson said on the definition of an access road he was thinking about the way roads get built sometimes in phases. An access road is not a through street, but could become a through street in the future. He asked if they were talking about a currently existing through street or a planned through street. He asked could someone be allowed a sign today and then at the point when the street goes the rest of the way through they would have to remove it.

Ms. Burbage replied that this does not get to the planned street versus existing street. However, the way the definition is written it could qualify as an access road if it was a through street if it were providing frontage to ten or fewer properties. The reason it was written that way was they wanted to avoid creating situations where roads, like Berkmar, as an example, were considered access roads but were serving many more than ten parcels. They would not want to incentivize a lot of signage appearing along those roadways.

Mr. Dotson asked staff to think about it to see if any further tweaking is necessary. The second question is on bundle signs. The language is the site to which the bundle sign pertains. He

wanted to clarify his understanding that was the home property of the business and not where the sign was located. He asked if that was correct. He was in section 4.15.5.a.c.1 bundle signs where they would be authorized under a special use permit.

Ms. Burbage replied yes that would refer to the eligibility criteria and not where the sign can go. That is spelled out.

Mr. Dotson said that was the parcel of the business.

Ms. Burbage replied that was right, and the location is spelled out in d1.

Mr. Dotson said the other informational question is that he did not have a firm grasp of the distinction between directional and bundle. He asked if there was a bundled directional sign where several people could throw into together.

Ms. Burbage replied she thought that would fall into the category of a bundled sign when there is collocation. The directional signs are very limited in the type of content having the name of the business, the distance, and an arrow providing the direction. However, she supposed they could have that content. The content of the bundle sign can be broader. But, the act of having multiple listings is what puts it into that bundle sign category.

Mr. Dotson asked if he would be allowed to have both a directional sign and a bundle sign, but he could be constrained on the total size of them.

Ms. McCulley replied that it would be on the total number and size. Typically, the directional sign is serving an individual business. The bundle sign is a combination sign that is serving multiple businesses.

Mr. Dotson said he was trying to understand what a directional sign and bundle sign is since our rules are not absolutely identical for them and how all that plays out.

Ms. McCulley said that was a good point because really both are providing directions to the business. So the directional sign seems like it is really more with arrows and providing directions, but the bundle sign could have the same because it is at a key intersection that serves those businesses. However, she fully appreciates what he is saying.

Mr. Morris noted that the signs are quite common.

Mr. Franco said the directional sign definition talks about no on-site sign face to be visible within 100 feet of the site entrance. He asked does that means if he goes 100 feet to each side and walks between those two points, then he can't see the sign.

Ms. Burbage replied yes, at the point of 100 feet is it visible from the road. If you were 100 feet in the woods across from the property it would not.

Mr. Franco asked if walking on the road 10 feet from the entrance that is within 100 feet, is that a good place for the sign. He was visualizing no on site location if he had a driveway and looking 10 feet from the intersection since he could look down the driveway. So there is going to be a location he can see the face of the sign. He did not think that was going to be very helpful. He questioned how that was worded and what the intent is. He guessed what she means is if he was 100 feet away from the entrance that he cannot see the sign.

Ms. Burbage replied that is correct.

Mr. Franco questioned visible 100 feet from the entrance as opposed to within He asked for clarification of the word "within" because that was the part he was confused about.

Ms. McCulley asked what he would suggest that is clear to achieve that.

Mr. Franco relied if they mean at 100 feet from the entrance, then he would say at 100 feet from the entrance.

Ms. McCulley pointed out what they mean is any point within 100 feet of the entrance.

Mr. Franco said again he would go back to if he was standing at the entrance and looking down the entrance road there has got to be a place for them that is in the property. He did not think that is acceptable and considered reasonable.

Ms. Burbage noted the idea was at any point from 100 feet in. However, he was correct if all of a sudden you can only see the sign when you get right up on it, then that does not really take care of it.

Mr. Franco suggested maybe it is not any point on the property, but is along the roadway of the property.

Mr. Kamptner suggested the last line read something like no on site sign face located at the site entrance would be visible from the road within 100 feet from the site entrance. That is the concept. This language anticipates the sign would be at the site entrance and they would determine the distance and its visibility from somebody who is on the road. He thinks those are the two concepts, which staff can clarify.

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

Neil Williamson, with the Free Enterprise Forum, said before he comments specifically on this ordinance he has to tell them a quick story. When he was at the ARB meeting three or four weeks ago the Crozet Library came in and presented their renderings. The ARB saw there was a sign on the library and no sign permit had been applied for because that is separate from the other permitting process. He had to wonder since they have the same first name Albemarle Building Services and Albemarle Architectural Review Board. His point in that is they worked it out and it is going through to get approval. Actually he thinks the library is going to look very nice. However, when you look at the approval method for the directional sign the goal of having the special use permit he believes is to mitigate the manner in which directional signs come forward. That really is the goal. He understands the 24 hour medical since that seems to be by right and a life and death issue. Why are they exempting public use? Just as he shared with the ARB example there are times in this building as hard as it is to believe the right hand does not know what the left is doing. He thinks it would be proper for Albemarle County to hold themselves and their public use directional signs to the same standard that they are going to force commercial property owners to go through.

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

Mr. Dotson said staff has worked really hard on this with lots of people involved. He thinks they have a good packet. However, it is uncharted territory in some sense so it would be nice to look at this again in two years and see how it is working.

Motion: Mr. Franco moved and Mr. Randolph seconded to recommend approval of ZTA-2012-00010 Off-Site Signs as recommended by staff with some tweaking of the language to address the concerns raised in the discussion.

The motion was approved by 6:1. (Smith voted nay)

Mr. Smith voted no because there is just too much government involvement in what everybody is doing and the government has the right to put up all the signs that they want.

In summary, the Planning Commission recommended approval by a vote of 6:1 (Smith voted nay), of the draft ordinance in Attachment A of the staff report, amended as follows.

1. Consider adding language to limit the number of directional signs.

2. Revise the last line regarding eligibility for directional signs to read, "No onsite sign face located at the site entrance would be visible from the road within 100' of the site entrance." This language anticipates the sign would be at the site entrance and they would determine the distance and its visibility from someone that was on the road.

Mr. Morris said the matter will go before the Board of Supervisors with a recommendation for adoption on a date to be determined.

Work Session

ZTA-2013-00007 Flood Hazard Overlay District (FHOD) - Recommendations
Discussion of proposed changes to Flood Hazard Overlay District regulations to maintain compliance with state standards and eligibility to participate in the Federal Flood Insurance Program. (Amelia McCulley)

The Planning Commission held a work session to set general direction and provide feedback.

Glenn Brooks and Amelia McCulley presented a PowerPoint presentation entitled ZTA 2013-00007 – Flood Hazard Overlay District (FHOD) - Planning Commission Work Session.

Background

- Flood insurance rate map (FIRM) related to the Scottsville levee has been revised to reflect provisional acceptance.
- The Zoning regulations need to be revised to refer to the new flood map and this initiates a review of our flood regulations (Zoning and Subdivision) by the Virginia Department of Conservation and Recreation (DCR) for compliance with the minimum federal regulatory standards. In addition to the mandated provisions such as definitions, procedures and formatting, we are recommending clarification and revision to regulations that are currently problematic.
- The amended regulations must be adopted no later than April 2, 2014 in order for Albemarle to remain in the federal flood insurance program.

Background and Introduction

- Albemarle has always exceeded the minimum standards for flood regulation – such as by prohibiting construction (new and expansion) of habitable structures and by requiring special use permits for fill and certain uses (docks, bridges, etc.) in the FHOD.
- PUBLIC PURPOSE TO BE SERVED:
  The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base.

Glenn Brooks, County Engineer continued the PowerPoint presentation to review the proposed changes.

Proposed Changes – administration

- Define administrator and duties, definitions
- Stormwater Management Facilities out of FHOD (County initiated and could be eliminated if controversial)
- Process and fees for CLOMR, LOMA, FEMA application review
- Variances as allowed by FEMA (There have not been many in the past. Staff is considering whether to take this out.)
- Determinations of Floodplain and Floodway boundaries (Staff provided floodplain and floodway examples.)

Proposed Changes - Discussion

- Permits for fill:
  - Regulate only proposals which have a defined impact on boundaries or elevations
  - Establish a freeboard to accommodate growth and channel dynamics. Currently our ordinance has no freeboarding and thus they have some issues with it.
- Floodway by-right use changes; cut-fill balances, relocations, materials. Currently there is a list of uses which are allowed within the floodway. One mentions cut and fill balances, which from a technical point of view does not make any sense since he cannot find a reference for that. Therefore, he was going to replace it with something that makes sense. The other has to do with stream restorations and channel relocations. They have sort of conflicting parts in our ordinance. For instance, in the Water Protection Ordinance it allows stream restorations by right. In the Floodplain Ordinance it was sort of ambiguous because they do not allow fill or relocation of a water course, but there is a public process for it. There seems to be this gray area of you can't fill in a floodplain, but you could go relocate the entire water course to another location. That did not make a lot of sense especially since there were other regulations that prevented that from an environmental standpoint. Staff wants to clean that up.
- Towers – An addition was made to the ordinance not too long ago to allow towers for cell phones to be in the floodway. He could not figure out why they did that. Perhaps it was someone going through the entire ordinance to allow these uses as the state has mandated. However, it does not make sense to have cell towers in a flood prone area. They are often the lowest parts of the County anyway and so are undesirable locations. He proposed taking that out.

Next Steps

- Additional resolution of intent to include the Subdivision Ordinance amendments;
- Tentative PC Public Hearing on the ordinance on February 4, 2014; and
- Tentative BOS Public Hearing on March 5, 2014

Mr. Morris opened for public comment and asked if anyone wanted to address this item. There being no public comment, the public hearing was closed and the matter before the Planning Commission for discussion.

The Planning Commission discussed the request with staff and made the following comments/suggestions:

- The floodplain provided in the illustration is premised on a storm with a return period of 100 years, also known as a 100 year storm. Mr. Randolph suggested we need to creatively think about the possibility of a 250 year storm and 500 year storm.

  Mr. Brooks noted when going to a larger storm event there is not always data available for those sorts of events. Often what FEMA will cite is what they call a probable maximum flood and that is usually based upon some past event, Hurricane Camille for instance. They approximate what the return interval storm might have been. Therefore, it is not always known.

- Mr. Randolph stated that the Planning Commission should have a map showing the floodway and floodway fringe for future special use permit and rezoning application review. Mr. Brooks explained that the federal insurance rate maps do not always distinguish floodway from fringe, so it's not always possible to do so.

- In section 2d on page 3, a language change was proposed adding "normally" to say the project will use "normally" natural materials, such as rock and vegetation, but can use manufactured products or materials where deemed appropriate by the county engineer, and will not use engineered structures such as those identified.

- Mr. Franco stated there should be more discussion before changing the ordinance to prohibit storm water management features, devices or facilities in the floodplain. Mr. Franco further stated that it should be the same way with required freeboard, since it is a good idea, and more important as it relates to the floodway, since that is where the freeboard really comes into play. A bigger discussion should take place about the compact form of development that they are trying to promote (as this may relate to floodplain, freeboard, and storm water facility placement). Mr. Franco suggested that, due to the April timeline, it is appropriate to table those items until a bigger discussion can take place.

The Planning Commission agreed with staff's recommendation and suggested staff move forward with the draft and set a public hearing.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- The next meeting will be on January 14, 2014.

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

Adjournment

With no further items, the meeting adjourned at 7:52 p.m. to the Tuesday, January 14, 2014 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)