Albemarle County Planning Commission
May 12, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, May 12, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Tim Keller, Mac Lafferty, Vice Chair; Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Karen Firehock. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Staff present was 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. Mr. Cilimberg left the meeting at 6:20 p.m.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda.

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

Diane Berlin, current member of the Pantops Community Advisory Council, said she has lived in Albemarle County with her husband Ed in the Pantops area since 1971 with the exception of a short array in a couple of other cities for business purposes. The Pantops Community Advisory Council is working on a project to bring the residents and the retail community of Pantops together since there is not a lot of interaction there. One of the biggest reasons, of course, is they have Rt. 250 dividing us right up the middle. So the PCAC met and discussed what they could do to change things and make us feel a little bit more like a community. They decided the best thing to do is to educate everyone with a newsletter. As a part of that she volunteered to go out to all of the businesses, retail and offices on the Pantops Mountain to get current updated information. She called on approximately 160 businesses and found unbelievable support for the proposed crosswalks that they want so desperately on Pantops. People want safety and convenience for easy access and less driving, which of course would help traffic on Pantops Mountain if more people could walk. The retailers were as excited as the residents since many of the managers and retail clerks live right across 250 and want to be able to walk to work. Bikers and parents with baby carriages are among the greatest proponents. She asked the Commission to consider working with VDOT to see if this can be worked out and with the Board of Supervisors to find funds and solutions to fill our request.

Mr. Lafferty suggested she might want to take her proposal to the Citizen Transportation Advisory Committee, which is part of the MPO, Metropolitan Planning Organization, and VDOT sits on that committee. They met last week and it will be another month and a half before they will meet again. However, that would be a good venue for you.

Mr. Cilimberg suggested the best route for making sure that they get the information to all the people who would need to consider what they are asking for is through communication with our Transportation Planner Gerald Gatobu. Mr. Gatobu works with the MPO, the Citizens Committee and our Board of Supervisors as well on issues for transportation. There have been some discussions about crosswalks on 250 and some considerations for those. If she could get in touch with Gerald Gatobu at 296-5832 he would be more than happy to talk with her and help her get this to the next place. Mr. Gatobu also works with VDOT for us.

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

Committee Reports:

Mr. Morris invited committee reports.

Mr. Keller reported the Fiscal Impact Advisory Committee will meet tomorrow.

Mr. Randolph reported the following:
- The Rivanna Community Advisory Council will meet on Monday.
- The Solid Waste Committee will hold the second Stakeholder's Meeting for feedback.
- The Historic Preservation Committee forwarded recommendations to Board for Comp Plan language about historic preservation.

Mr. Lafferty reported the following:
- Places29 is still in the formative stage.
- The Citizens Transportation Advisory Committee met last week and had report on the ecological process; working with UVA on the Transportation Academy; and heard from Habitat for Humanity who wanted to be put in the visioning list, which was recommended unanimously by CTAC.

Mr. Morris reported the following:
- The Rivanna River Commission met and as a part of the joint meeting on June 23rd are looking at walkability and bicycling and if there is a natural tie in with the Rivanna project and the trail project.

Mr. Lafferty noted a presentation on the Charlottesville Master Plan for biking and pedestrians will come before City Council later this month.

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

Review of Board of Supervisors Meetings – May 6, 2015

Mr. Cilimberg reviewed the Board of Supervisors actions taken on May 6, 2015.

- The City's Master Bike Plan will be part of the presentation of the joint meeting of the City and County Planning Commissions.

Mr. Lafferty asked who is setting the agenda for the joint meeting with the City.

Mr. Cilimberg replied Mr. Morris and he had a meeting with the City Chair and Missy Creasy and together they came up with what they thought was the doable agenda topics.

Mr. Lafferty noted the reason he was asking was the Piedmont Environmental Council has also been working on a more holistic bike plan and he just wondered if they would have a chance to present their plan.

Mr. Cilimberg replied that he was not aware of that. He asked Mr. Lafferty to let our Transportation Planner Gerald Gatobu know about that. There is a part of that presentation that night on what is going on not just in the city but also in the county.

Consent Agenda:

Approval of Minutes: November 11, 2014; December 2, 2014, February 3, 2015, March 10, 2015, and March 17, 2015

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

Ms. Taylor asked the Commission to pull the minutes of March 10, 2015 to next week.

Motion: Mr. Lafferty moved and Mr. Randolph seconded to pull the minutes for March 10, 2015 to the next meeting.

The motion carried by a vote of (6:0). (Firehock absent)

Mr. Morris asked if there was a motion to accept the other four sets of minutes.

Motion: Mr. Lafferty moved and Mr. Randolph seconded for approval of the consent agenda.

The motion carried by a vote of (6:0). (Firehock absent)

Mr. Morris said the consent agenda was approved.

Work Session:

ZTA-2015-00002 Farm Distilleries
To address State Code Requirements for Agricultural Distilleries. (Amanda Burbage)

Mandy Burbage presented a PowerPoint presentation regarding ZTA-2015-02 Farm Distilleries.

This first item is the first of two this evening that are zoning text amendments resulting from legislation adopted by the General Assembly this year. The genesis of this ZTA came from a bill before the 2015 General Assembly, Senate Bill 1272, dealing with "limited distilleries" or farm distilleries, which are referred to as agricultural distilleries in the staff report. These limited distilleries refer to distilleries that:

- Produce 36,000 gallons/ year or less of spirits per year,
- Located on land with Agricultural zoning, and
- Use products grown on the farm in the manufacture of the distilled spirits

These changes will become effective July 1 and we are working to modify our regulations to be in place by the time the changes take effect.

Senate Bill 1272 for the most part mirrors the state provisions for farm wineries and farm breweries that have been adopted in recent years. The bill limits local regulation to activities with "substantial impact" on public health, safety & welfare. The State Code does not define substantial impact as it didn't with wineries or breweries. However, in the updating of our code we have introduced thresholds for substantial impact. The legislation also states that any local restriction shall be reasonable and take into account the economic impact of the restriction on the distillery and the agricultural nature of the distillery activities and whether or not those activities are considered "usual & customary".

As with the previous provisions for wineries and breweries there are some specific activities that are called out that localities cannot regulate. Those include things like production, harvesting of the grains or the products that go into the distilled spirits, manufacturing, sales, storage and tasting. However, interestingly there is a difference between distilleries and breweries and wineries in how ABC regulates the distillery use because the ABC have very specific regulations as to how much alcohol can be served at a distillery. A distillery is not even able to serve alcohol unless they have a separate license which allows them to be a store. So if they are not able to sell the product from their location they can't have samples, which is her understanding from talking to our ABC contact Agent Craft. Of those that hold the distillery store designation they are only allowed to provide currently three 0.5 ounce samples per customer per day, which amounts to a drink. So there are sort of inherent limitations built in to how much these distilleries are able to sample their products, which are all ABC regulations.

Mr. Lafferty noted it use to be that you had to serve meals to get a liquor license. He asked if that is still true.

Ms. Burbage replied it is not the case with breweries or wineries and she did not believe it is the case with distilleries either.

Mr. Morris asked if he heard correctly that if the distillery has a license to sell on the property that also gives the right to have the three 0.5 ounce samples.

Ms. Burbage replied that was correct. However, that does not come just by being a limited distillery since it is a separate thing that they have to apply for and get from the ABC. She just wanted to clarify that because it is a distinguishing feature of a distillery use versus a winery or a brewery use.

Mr. Dotson pointed out just as an observation that is current State Code or regulation, which is subject to change.

Ms. Burbage agreed. In fact, speaking of change she believed they have with the changes that will take effect in July increased that number to four (0.5 servings). However, Agent Craft and others would sort of get briefed once those changes take effect. So that was not in Agent Craft's regulation manual yet, but it is reflected in the State Code changes.

Continuing the presentation Ms. Burbage noted we have previously adopted regulations permitting farm winery and farm brewery uses by right in the Rural Area. There are many accessory uses that are permitted by right associated with wineries and breweries, including Agritourism activities and events with up to 200 attendees by right. With the farm brewery regulations introduced last year a new zoning clearance requirement was established for wineries and breweries that want to have outdoor amplified music and a special use permit for events over 200 attendees. Unlike surrounding counties we are more restrictive in prohibiting restaurants as an accessory use to wineries and breweries. As an observation they talked to the Police Department and reviewed our own zoning complaints over the past year, including 2014 as well, and have found very few zoning or police complaints associated with these uses over the past year. So they consider these regulations that they have in place now to be working well in that they are not generating a significant number of complaints.

The table in the presentation appeared in the executive summary/staff report and reflects the content of the proposed ordinance. The proposed ordinance treats distilleries the same as farm wineries and breweries in the spirit of treating similar uses similarly. Due to the fact that our farm winery and farm brewery regulations appear to be working well staff is recommending that like wineries and breweries, production, harvesting, storage, sales, tasting, Agritourism, and events under 200 be by right for farm distilleries; that a zoning clearance be required for outdoor amplified music; and that events with over 200 attendees at any time would be subject to a special use permit.

With that staff would like feedback on whether the Commission supports treating distilleries the same as wineries and breweries; and, if so if the Commission is comfortable recommending scheduling this zoning text amendment for public hearing. Staff has tentatively set aside June 2nd. However, if the Planning Commission feels they need more work on this they can obviously move that date.

Mr. Morris asked as a point of order since there was no one here if he needs to open the public hearing.

Mr. Kamptner replied that he did not since it was just a work session.

Mr. Morris invited questions for staff.

Mr. Loach said as they all know the problem is not with the production. The problem they are worried about is the ancillary uses and if he could use the definition of substantial impact in terms of a motion to deny giving it a reason. In other words, it says generation of traffic, noise, dust artificial and if he finds any one of those items in the application as problematic then we can deny the application; or, does by right trump this as well.

Ms. Burbage replied she believes by right activities would not be subject to substantial impact. She said the substantial impact language only comes into play with the special use permit at least specific to distilleries since they are not talking about agricultural operations. She asked Mr. Kamptner to correct her if that was not correct.

Mr. Loach said he assumed these are fairly consistent along the other two venues as well.

Mr. Kamptner agreed.

Mr. Loach noted again it goes back to whether by right trumps substantial impact.

Mr. Kamptner replied if it was a by right use then there is none.

Mr. Loach said essentially if it does, then substantial impact has no meaning.

Mr. Kamptner replied that it certainly was going to be a factor when considering a special use permit because it will become part of the analysis.

Mr. Loach noted it was kind of covered since it says cumulative effect of large numbers of events and activities. What they don't cover is cumulative effect of the number of enterprises within the geographic region. So they get into a situation where they have a by right, by right, by right with a cumulative impact of the number of enterprises that becomes detrimental.

Mr. Kamptner agreed that was a potential. However, that was a discussion they had with agricultural operations in the farm breweries because they recognize that possibility exists. There are a number of these places; however, they just don't have enough of them to really be identifying cumulative impacts yet. Once this ordinance gets adopted to implement the new state law that is not the end of it. They will have to continuously be evaluating what is going on by the number of complaints that zoning is receiving and getting information from the police with respect to issues that are being created from these activities.

Mr. Loach noted it then goes back to my original question does by right trump substantial impact at that level. Therefore, if each one of these was by right there is essentially no substantial impact.

Mr. Kamptner said it won't affect those preexisting uses, but it will affect our regulations. They can only begin to regulate these activities once they have identified a substantial impact. Once these uses begin and they are able to identify substantial impacts, then they will have a reasonable basis to support amending our regulations. At the time they adopted the farm wineries and farm breweries regulations they had the research that had been done and the history with special events and some of the other types of rural area special use permit activities where 150 persons in attendance at any given time was deemed to be the threshold for a substantial impact. That slowly moved up to 200 persons partially based on the legislative report that had been done about 8 to 10 years ago that supported some failed farm winery legislation. So what is a substantial impact now can easily evolve over time as they are able to accumulate information.

Mr. Loach noted the reason he brings it up is because they have an application coming up next week and at this point he did not think they have any agriculture on the site.

Mr. Randolph pointed out it was not next week, but it was coming.

Mr. Loach noted he thought it was on May 19th. He has been getting a lot of emails and talking to a lot of people. So he would leave it to staff to explain to them the substantial impact. At this point they live on a small rural dirt road and they want to bring in 150 people. Essentially that is by right if this was a farm winery or something similar.

Mr. Randolph said one thing they can feel comfortable about is that we don't have to get hung up too much on the definition of substantial impact because the article in the Post about Clifton, Virginia made it very apparent that the neighbors and the neighborhood defined the threshold of substantial impacts. So when that brewery was proposed to go in at Clifton that because of the existence of a preexisting farm winery in the neighborhood so they are getting this centergistic effect that they have all talked about here before in the past years, the residents rose up because for them as Potter Stewards said about pornography "you will know it when we see it" these residents said they know a substantial impact because they know it is coming. It has not happened
yet, but we know it is coming because of the cumulative effect of having this winery and the brewery together would be to create additional traffic and the risk of drunken drivers. So they rose up in

opposition and the applicant decided to withdraw. Now the applicant did not go to court in this case. Therefore, they don't have a court case to go on to say this was a finding legally. However, it is very clear that within the court of public opinion within this community in Clifton they understood what a substantial impact was and they clearly organized and voiced opposition forcing the applicant to back down and seek another location. As they are seeing in that application in Mr. Loach's neighborhood in White Hall that seems to be verging on if not a substantial a ponderous of an impact substantial enough that people are feeling they can't tolerate it even though by right they have a right to do it. However, that is where they have a basis he thinks to step in to argue that they can regulate because of a threat of traffic and the welfare of people using the road, cyclists, runners or whomever they might be.

Mr. Loach noted he was hearing what he was saying. However, from what Mr. Kamptner said before substantial impact now begins at over 200 people.

Mr. Kamptner pointed out it also plays a role in the unclassified types of activities. Our regulations list a number of activities where if there are fewer than 200 people they deem those to be usual and customary and not generating a substantial impact. There is also kind of a catch all provision that allows the zoning administrator to make case by case determinations for these other unclassified types of activities and can allow those by right if they fit within the types of activities that are listed, but don't generate a substantial impact. So it also comes into play in that circumstance.

Mr. Lafferty asked if in Clinton they set a minimum of 20 acres.

Mr. Kamptner replied that was actually the Loudon County regulation. Clifton is interesting at least in how the zoning district was characterized in the article. It was described as a residential district that allows agriculture. Our RA and Monticello Historic Districts are agriculture districts that allow residential. He will remind the Commission that the purpose and intent section of the RA District regulations really call for residential uses to be accessory and for the purpose of assisting the agricultural enterprises that take place in the RA district. It may be a different situation altogether. It also sounded as though Fairfax County had not adopted any type of regulations yet to implement the state law and so they were kind of winging it on a case by case basis. That is how the article read.

Mr. Lafferty said he was concerned about lot size and the use of water. He assumed that all of these types of businesses will be using ground water, and quite a bit of it. If they are real close together in the same aquifer you could easily lower the ground water table. He asked do we require that they grow anything like hops, grapes, or wheat on the farm.

Ms. Burbage replied that we don't, but ABC does. However, the amount is not clear in the legislation.

Mr. Lafferty pointed out that he can see somebody setting up a store; importing the water, wheat and everything; and manufacturing.

Mr. Kamptner said the enabling authority for the distilleries is similar to the farm breweries. They have that same question since it says using the products grown on the farm, but it does not say if you have a square yard of products that you are going to use or what. There is a provision that does apply to distilleries that they were looking at yesterday. If they are going to provide samples of their product there are some criteria that apply. One is to qualify with the ABC statute called government storing even if it is the employees of the distillery serving. It is at least 51 percent of the agricultural products used are grown either on the farm or land in Virginia leased by the licensee. That is one of six possible criteria. The other five don't have that percentage of crop grown. They may have distilleries in Albemarle County that can qualify under some of the other criteria. If they were an organic distillery, then they are not subject to that kind of threshold. However, as best he can tell you right now generally it is the same standard that is in the farm brewery legislation.

Mr. Lafferty asked does staff know how much grain it would take to generate 36,000 gallons of booze. He would expect it would be quite a bit.

Ms. Burbage and Mr. Kamptner replied that they did not.

Mr. Randolph said there is obviously a very healthy assumption there by the legislator that there will not be a scarcity of water resources in the Commonwealth.

Mr. Lafferty pointed out that was not true.

Mr. Randolph said that was not a reasonable assumption in all locations in the Commonwealth.

Mr. Morris said he liked the way staff tried to match the distilleries with the breweries and wineries. It is easy to read and follow. Based upon staff's briefing he is confused with what a distillery can do when they open it up to a public event and they have up to 200 people coming can they sell it by the drink.

Ms. Burbage pointed out they also have a requirement of banquet licenses for a distillery that wants to serve above and beyond their let's just say three (3) ½ ounce pours. They limit those to four (4) per year. So ABC is effectively limiting them to having four events per year where they could have an unlimited amount of their beverages served.

Mr. Morris noted he missed that and suggested when they bring this to public hearing they make that clear.

Ms. Burbage agreed and apologized that she did not include that. However, she meant to mention that.

Mr. Morris pointed out that cleared it up as to how it is going to work as far as a public events.

Mr. Lafferty suggested staff do a break out box with all the ABC rules.

Ms. Burbage suggested she may be able to have John Craft come to the public hearing.

Mr. Morris invited other questions.

Mr. Dotson said he was still trying to understand the graphic that certain things are by right. If they are desirous of outdoor amplified music, then there is a zoning clearance. If it is over 200 people, then it is a special use permit. He asked where substantial impact would come into play. He had been wanting to read this that it is by right unless there was a finding of substantial impact in which case then there would be a special use permit triggered, but apparently that is not a correct reading.

Ms. Burbage said the substantial impact is the events over 200 people, which is what was established with the farm winery regulations. As they recall last year when they decided to treat agricultural operations differently they created she believes four different other substantial impact thresholds where they were able to further regulate those activities. That was the 50 vehicle trips per day; 21 acres; over 200 people, and over 24 events per year. However, she did not include those just because they were interested in comparing the distilleries to the wineries and breweries. However, it is the Commission's and Board's discretion to come up with different substantial thresholds if they feel they are warranted.

Mr. Kamptner agreed and noted what this definition does is provide the guidance for special use permit analysis. It also guides the zoning administrator when she is looking at unclassified uses that don't meet the 200 person threshold, but are not specifically listed. However, it also gives us guidance for the future as to how we evaluate the complaints and concerns that arise as farm wineries, distilleries and breweries mature in the county. So once we have the evidence then we can step in and take some additional regulatory measures to deal with those.

Mr. Loach asked what would happen to the businesses that are already established.

Mr. Kamptner replied they would have vested rights and if the regulations were to change they have nonconforming status. Therefore, they would be allowed to continue the activity under the regulations in effect when they were established, but their ability to expand that activity would be limited to a very de

minimis type of annual creep and really nothing more. So they would be frozen in time unless they came into compliance with the new regulations.

Ms. McCulley outlined substantial impacts as they currently regulate. Any outdoor amplified music is considered to be an impact and has to comply with the maximum sound levels day and night. Then they have this new requirement that you do pre-planning and also do self-monitoring. So that seems to be working pretty well. Noise is a very common complaint related to events. The other complaint they hear relates to traffic. They have to remember that the day to day operation of tasting is not something they can regulate. However, it is the traffic that relates to the events. So that is regulated by the number of attendees and that number is based on 200 which Mr. Kamptner can go over the history. But, the number 200 has a basis in history in the Commonwealth that is accepted as a number for substantial impact. So in terms of the major impacts of this kind of use that is where they have kind of gotten our arms around it. She wanted to also give the Commission some background information about production and the crops that go into that. She reviewed one of the agricultural distilleries who went to the legislature and got this law changed. It was a 5,000 gallon limitation for the lowest tier of a distillery license. Each spirit run uses 900 pounds of grain to produce 50 gallons of distilled spirits. In a typical year with 100 runs it requires 90,000 pounds of grain or roughly 1,607 bushels of corn. Of course, you have your choice for the product to go into it. In this particular case we require 25 percent of the raw product to be grown on site, which amounted to 22,500 pounds of grain or 402 bushels of corn. So there is a lot of product that goes into the spirit run that you don't get a whole lot out of in the end it sounds like.

Mr. Morris asked did that also factor in how much water for each one of those runs.

Ms. McCulley replied she did not have that information.

Mr. Kamptner pointed out he was looking on line right now. It looks like it is about 2 for 1. So for every 600 liters of batch it estimates about 1,200 liters of water needed. It would be 2 gallons for every 1 of distilled spirits.

Mr. Dotson commented that was a lot. He would go in page order of the questions or comments. One of the thoughts was how would we handle let's say you have an existing winery and they are operating in a big barn with some additional space in that barn and they said let's also set up a distillery here and be able to do both. Would each of them be able to have 200 people? Would that be considered one or two operations? What if it was not in the same barn, but was on the same parcel? He thinks Mr. Loach was getting at what if it was on an adjacent or other nearby parcels. It does not seem to far-fetched that somebody with a winery might say let's also go into the distillery business, brewery or a cidery. He did not know if they have thought about that or whether we have a standard way of dealing with it. To me that would be multiple uses and our regulations would apply to each use. However, he was not clear about that.

Mr. Morris agreed that was a good point.

Ms. McCulley agreed that was a very good point. In fact, she had been to a distillery that also had a winery license.

Mr. Dotson said it was something to think about. He takes it that they debated previously the idea of a minimum lot size for anything that has farm as an adjective and decided not to do that in our zoning code or that they were not able to perhaps.

Mr. Morris pointed out they did with the 21 acres.

Ms. Burbage pointed out last year when they were dealing with breweries and agricultural operations kind of at the same time she believed that staff came first with the suggestion of treating them all similarly. Then at some point they got to a place where it was decided that farm breweries and farm wineries would be treated the same and that agricultural operations would have additional substantial impact thresholds. That is when the discussion of minimum acreage began. So in the regulations the acreage thresholds

only apply to events and activities of agricultural operations. Under the State Code we can't limit acreage for the by right production. She asked Mr. Kamptner if that is correct.

Mr. Kamptner agreed. He pointed out there is a class of farm winery licenses where they don't have to grow anything on site and they still qualify as a farm. They are obligated only to acquire a certain percentage from within the Commonwealth and not more than a certain percentage of fruit from outside of the Commonwealth.

Mr. Randolph pointed out it was the same as with the cidery.

Mr. Kamptner replied yes, we regulate and license a cidery in the state the same as farm wineries.

Mr. Dotson noted he had a different point in he was thinking of the newscast he saw a few weeks ago about the dentist in Crozet who is taking a former lodge and making it into a farm brewery on 10 acres. He would guess given its location it is probably part of the growth area in Crozet.

Mr. Loach pointed out it was in the rural areas and not in the growth area.

Mr. Dotson asked are there areas where our zoning is still RA, but it is within the growth area. He noted that maybe there are not any and our zoning has been changed in all of those cases. However, they could end up if the only criteria is rural area zoning with a farm, whatever, in a designated growth area.

Mr. Loach noted actually if that brewery, the one they were quoting from the west coast, would have come in it would have been on the Old Trail property. So essentially it would have been an agricultural operation in the growth area because they would have been growing their own hops for their beer.

Ms. McCulley pointed out there is very little if any land that is zoned Rural Area that is in the growth area. However, if that were the case then the comprehensive plan would expect it to be something other than Rural Area zoning. If it was in the Development Areas it is expected to have development zoning something other than Rural Areas. It is more often the case in the opposites, such as the Crozet Moose Lodge, where it is out of the Development Area and it has hold over zoning from a prior use, as they call it stale zoning.

Mr. Randolph noted they had raised a good question because to the left of the new Leake section of Glenmore it is all in the growth area. However, to the right are larger lots that are not permitted to tie into sewer and water and they are classified as rural. So a clever entrepreneur could under these circumstances of what they are confronting right now could buy one of those pieces of property, establish it as a brewery/winery/distillery/cidery and have a whole growth area literally right across the street. So there is a potential case study.

Mr. Dotson pointed out that there is a case.

Ms. McCulley agreed that is a good point and they do need to address the cumulative impact of multiple licenses on one parcel.
Mr. Dotson noted on substantial impact we say generation of traffic, which could include the accident history in the area. So the traffic offense history might be an additional factor to consider. The other two questions are probably addressed in other sections of the ordinance. It was health department requirements that he was thinking about for Duner's, which is probably Rural Area zoning. However, in any case the health department limits the number of meals they can serve a day. He takes it there is something that says the health department would have to approve these facilities since they are places of people coming together.

Ms. McCulley replied yes they are not exempt from state requirements such as VDOT, the health department, and things like that.

Mr. Dotson pointed out that they don't have to say that. Therefore, he was guessing the same thing was true on signs both on site and off site that our general sign regulations apply and they don't need to say anything specifically here.

Ms. McCulley replied yes they do, and actually they had carve out for agricultural products signs for these and other types of uses and they are allowed off site.

Mr. Keller said the zoning clearance category they created in Agritourism they had no permits required, zoning clearance required and special use permit. That was the hierarchy. Is there a mechanism for us to put a middle step in this and retroactively to the other related area of breweries, wineries and cidery?

Mr. Burbage pointed out right now there is a zoning clearance requirement that is invoked by outdoor amplified music and that is it.

Mr. Keeler said as opposed to an Agritourism where there are a series of Agritourism events of retail sales generating either over 50 vehicle trips per day or occurring on sites under 21 acres in size, over 4 farm tours per year, etc. Do we have a mechanism to further add that or is the feeling that because this has ABC involvement that there is another threshold that they are having to meet.

Ms. McCulley replied no, they struggled with that quite a bit because they can impose requirements if there is a substantial impact. She asked Mr. Kamptner to fill in where they went.

Mr. Kamptner explained last year based on the research that staff had done they had not been able to identify any substantial impacts at this point. That is not a great answer because with zoning they do want to be able to deal with these issues effectively. The way the statutes are set up they are prohibited from regulating unless there is a substantial impact.

Mr. Keller said where he is going is that it goes back to the other three related categories. He thinks Mr. Loach started us off in this direction. They know that certainly in terms of this category if there is access to the amount of water that they need and if there is no state provision that requires any sizeable amount of product to make the alcoholic product to be grown on the property that one could conceivably have a very small acreage that could have a significant vehicle count coming to it on a regular basis. So all environmental issues aside just in terms of this vehicle count and then the safety issues that they have all staff, Commissioners and Supervisors have discussed in the Rural Areas it begins again to get at this additive point. He just has the concern about not having any way to address that now and that we have to go back and address it later. But, he does not have an answer.

Mr. Kamptner pointed out one thing is they do have some farm breweries in the state now. He can check to see what kinds of impacts have been identified. He asked do they have farm breweries in Albemarle County yet.

Ms. Burbage replied they have one in the works.

Mr. Kamptner noted since they have one in the works they are not dealing with a circumstance where they can't amend those regulations and somebody is going to be affected by those changes.

Mr. Keller said he would like to follow up to concerns that a lot of us voiced back a year ago in the other categories. So they are talking about setbacks of 25', 35' or something like that. So it is really small acreage, which is a real possibility for any of these, but especially for distilleries. Then the parking starts to become another issue and the entrance and exit from the property becomes that much more of an issue as well. That is why he was interested in that minimum lot size that was larger before because there would be options to work with the applicants to provide a place on the property that would meet a lot of these needs. When they start going down to the smaller acreage sizes, not to mention the multiples, it seems there is potential for a lot of health and safety issues on certain roads.

Ms. McCulley asked do you see distilleries as distinct from wineries and breweries in that respect or no.

Mr. Keller replied when they began all of this wasn't there something like a 20 percent of growing of grapes on the property or something. He asked if it began with some percentage of grapes that would be grown in the wineries and that has been diminished.

Ms. McCulley agreed it had been over the years.

Mr. Kamptner pointed out the reality, at least in Albemarle County, is that the wineries here are all growing in the county. They may be importing some grapes, but they are all growing and it takes up quite a bit of acreage currently. He assumes they are all class A licensees which requires that you grow a certain percentage on the farm. After 7 years they are eligible to become class B, which detaches the requirement from growing on the farm in the county. But, he was not sure what other impacts are. So there may be other reasons why they are motivated to stay as a class A farm winery where they are growing on site. But, he thinks that was part of the discussion they had last year recognizing that wineries just because of the nature of how they are operating here are growing on site and are larger in size than what could happen to a brewery.

Mr. Keller said what is interesting is when both of you read the figures on the product that would be needed to be added, whether it is corn base of another grain, that is a significant amount. If they are talking about 75 bushels an acre or talking about thousands of bushels, then again it starts to say there is something almost magical about going back to the 21 acres we had for other uses.

Mr. Morris agreed.

Mr. Keller said what staff brought us is really good in responding to what is there and that this is a great opportunity for everybody to weigh in. He would guess they would put it back in staff's hands now.

Mr. Loach noted that he would like to go back to Mr. Dotson's point and get a clarification. If you have land in the Development Area that still had its RA zoning but is in a master planned area where under the comp plan under the master plan is recommended for residential 3 to 6, is it then that if somebody wanted to under the RA zoning could set up a distillery or a brewery on that property, get access to county water and sewer, and then have the by right access to all of the ancillary things like 150 people for events.

Mr. Kamptner replied yes they could.do that. Given the limitations on what they need to do to qualify, he was assuming that staff would encourage them to rezone to a commercial or an industrial district to approach the brewery activity from a different way. That would be what the county would encourage the owner to do. But, they would have the right to establish a farm brewery assuming that they could meet the requirements for obtaining the license.

Mr. Loach asked even though it was in an area that has no comp plan recommendation for residential from 3 to 6.

Mr. Kamptner replied yes.

Mr. Keller said this he thinks is the exact comparable to the article that Mr. Randolph had us all read. He thought that this it is really not comparable to the rural. But, RA zoning within or not even RA zoning within Developed Areas is the exact comparable.

Ms. McCulley noted staff can run a report and see where or how much of that exists because she hears what he is saying.

Mr. Morris asked if staff has gotten enough input from us so we can request staff to actually schedule a zoning text amendment for public hearing.

Ms. Burbage asked for clarification of Mr. Keller's request to introduce the minimum acreage. She asked if he was speaking about just farm breweries and distilleries.

Mr. Keller replied that he thinks they should revisit it for all of these categories.

Mr. Cilimberg agreed.

Ms. Burbage noted wineries were included.

Mr. Keller said he thinks it should be revisited for wineries, distilleries and breweries.

Ms. Burbage said her question for Mr. Kamptner is can we impose an acreage limitation on the use or just the activities and events associated with that use. She thought localities could not regulate production and harvesting.

Mr. Kamptner replied they can't. However, we can regulate substantial impacts and pulling those two parts apart is difficult.

Ms. McCulley asked can we regulate Agritourism activities such as the events.

Mr. Kamptner replied what they are regulating are the usual and customary events. They are identifying, depending on what the research finds, and he assumes that the direction to staff is to research what would support a 21-acre threshold.

Mr. Randolph suggested that it be above a 20-acre threshold.

Mr. Keller noted again in that zoning clearance category is a special use permit. He was just suggesting that be inserted so again these kinds of issues would come forward to staff earlier. It is established at a $50 fee. In terms of the public they are not talking about a really onerous fee. So they would have that degree of review.

Ms. Burbage asked in that case Ms. McCulley do you think we need another work session if they are revisiting breweries and wineries, and Ms. McCulley replied yes that they probably should and come back to the Planning Commission before they draft the ordinance.

Mr. Kamptner noted they would need to come back to the Commission with a new resolution of intent also that expands the scope of the zoning text amendment. They could do it piecemeal, but it makes more sense to hold things off and do it altogether.

Mr. Dotson asked if there was a July 1 deadline on distilleries and no deadline on amending the other.

Mr. Kamptner replied yes, but the Board finally adopted the farm brewery and the agri-operations amendments in November. Particularly, the agri-operations there was a lot of debate about that and it was a complicated ordinance. Unless they are getting applications on July 1st they are okay. They have some time to make sure they work through this.

Mr. Morris noted the Commission will make itself available to staff as soon as they are ready.

Mr. Lafferty said he would think they could come up with a minimum size by looking at what 200 cars would be and a place that would hold 200 people. Pretty soon they are going to end the setbacks and everything. Pretty soon they would define the minimum size. Then it probably is a detriment to the public welfare if someone wants to go bigger than the minimum size just for the safety.

Ms. McCulley pointed out there is a rational nexus of the 21 acres already on several counts in our policy and regulation.

Mr. Morris thanked everyone very much. This has been a very good discussion.

In summary, in a work session Ms. Burbage presented a PowerPoint presentation on the proposed amendment to the Zoning Ordinance to address State Code requirements for Farm Distilleries and requested feedback on the draft ordinance in Attachment B of staff report.

There was no public comment.

The Planning Commission provided the following feedback on the draft ordinance:

- Need to address cumulative effect of multiple licenses on one parcel.
- When is there a "substantial impact"? Concern about substantial impact of cumulative effect of by right uses.
- What thresholds do they have to meet?
- Concern if there are places zoned Rural Area in the Development Area.
- Potential impacts identified were water usage, small acreage lots plus potential for health and safety issues on certain rural roads; potential for large amount of vehicles on small acreage parcel; and parking issues.
- Questioned how to determine the substantial impacts if zoning clearance only required for outdoor amplified music.
- Questioned the lack of a specified quantity of agricultural products grown on the farm in the manufacture of alcoholic beverages.

The Commission requested staff to do further research, develop new Resolution of Intent expanding the scope, and schedule another work session prior to drafting ordinance language and scheduling public hearing.

The meeting moved to the next agenda item.

Work Session:

ZTA-2015-00003 BZA/Variances
To address State Code Requirements for BZA Process and for Minor Technical Changes (Amelia McCulley)

Amelia McCulley presented a PowerPoint presentation and summarized the executive summary regarding ZTA-2015-00003 BZA/Variances.

ZTA Background:
The primary purpose of this ordinance amendment relates to House Bill 1849 that becomes State law on July 1, 2015 and relates to Board of Zoning Appeals proceedings, variances and appeals. Of course, they are seizing this opportunity to provide other housekeeping and technical updates.

- HB 1849 will become State law July 1, 2015.
  - Revises criteria for variances and appeals;
  - Revises proceedings before Board of Zoning Appeals (BZA)
  - Opportunity for other technical updates and clarifications

The Board of Zoning Appeals is a board that does not have a whole lot of interaction with other boards and are independent in many regards.

Board of Zoning Appeals (BZA)

- Powers and duties include:
  - Hear (and decide) appeals of decisions by administrative officers (including the Zoning Administrator) in the administration and enforcement of the zoning ordinance;
  - Hear variances;
  - Hear special use permits; and
  - Interpret the zoning district map

In Albemarle, the special use permits that are heard by the Board of Zoning Appeals (BZA) are limited to signs (off-site, electronic message signs). In some localities all special use permits are heard by the Board of Zoning Appeals as opposed to the governing body of the Board of Supervisors. In Albemarle they issue a fairly high number of official determinations of zoning violations which are the majority of all the zoning determinations that are made in a given year. Therefore, they end up being a majority of the

zoning appeals that the Board of Zoning Appeals hears. In the past 25 years, we have had no applications for the BZA to be involved in interpreting the zoning district map.

Regarding background information when she first started as zoning administrator a long time ago they had a lot of variances. One of the things the State Code tells you is if you have reoccurring variances you have a problem with your ordinance and they should examine that. Therefore, they have done that over time and made a lot of ordinance amendments.

BZA Annual Report Information:

These factors from our annual report may shock you.

- In 2014 there were no variances and no appeals. There was one (1) special use permit for an off-site sign.

- In 2013 there were no variances, no sign special use permits and three (3) appeals. Six (6) appeals were submitted, but only three (3) were heard.

Staff strongly urge applicants to avoid variances because it is a last resort and there are many other options. Often it is self-imposed and staff will tell people up front this is something they have created and they have other options, such as boundary line adjustments to change setbacks, to exhaust all possible remedies to avoid variances. The Board of Zoning Appeals review of variances involves discretionary administrative review. The special use permits for the signs the BZA hears are legislative actions. Appeals of determinations are a quasi-judicial process. She would now turn this over to Mr. Kamptner to teach us about the House Bill and what it does.

Mr. Greg Kamptner said he would briefly explain House Bill 1849. In the procedures that deal with the various Board of Zoning Appeals (BZA) proceedings the General Assembly has really created a procedural minefield. The BZA consider generally three application types: the special exceptions, variances and appeals. And there are subtle procedural differences in each of the three types of hearings. In fashioning our regulations, that is why each type of application now is laid out separately so that staff, the public and the BZA know exactly what is required for each of the different types of proceedings. It makes the ordinance a little bit longer, but it also makes it a lot easier to follow.

In House Bill 1849 they have three (3) new procedural requirements, which are kind of head scratchers when you think about it. When they were getting the draft bills to comment on, they were constantly asking why we need a statute to deal with this. However, there are three new requirements. One is no ex-parte communications between the locality's staff and the BZA members about the facts or the law pertaining to a particular appeal or variance. The same holds true for the applicant because they are the appellant and cannot have these one-on-one communications. They should not be taking place anyway because BZA decisions need to be made based on the record that shows up that is created at the hearing. So this type of back door lobbying never should have been taking place anyway. However, they now have that in the ordinance. That provision does not apply to special exceptions or special use permits because they are legislative in nature and the decision makers can rely on anything to support their decision.

Mr. Dotson asked if it was only for the quasi-judicial functions.

Mr. Kamptner replied it was easier to think about it as non-legislative because it is the legislative decisions for all types of bodies that the decision makers can rely on anything to support their decisions. The next new requirement is that the BZA has to offer an equal amount of time for the applicant, the appellant and the county or locality staff. The third new requirement is that the staff report has to be provided to the interested parties at least three (3) days after it has been given to the BZA members free of charge. He asked somebody while this bill was going through why we have this. Apparently there were some localities where they were either not providing the staff reports to the applicant or the appellants prior to the BZA hearing and they were charging. Therefore, they have legislation to deal with that.

Ms. McCulley asked Mr. Kamptner if he wanted to talk about the variances.

Mr. Kamptner explained that the variance definition is being amended. What they see from over the last 11 years is a reaction by the General Assembly from a 2004 Virginia Supreme Court case. It really did not break new grounds because the Court was just restating the laws. They had a standard up until 2009 where the applicant had to show an undue hardship approaching confiscation in order to be entitled to a variance. That really goes to the heart of the purpose for variances - which they are the last resort safety valve remedy for an applicant who because of the unique circumstances of their parcel can't do what everybody else in the zoning district can do. If the applicants are bounded by street frontage on two sides, a river in the back, and a steep slope on the side so the building site is miniscule and they can't do anything on their parcel, then that is where the variance is appropriate.

Mr. Kamptner explained after 2009 the standard was reduced to an undue hardship. In this bill, hardship is being removed from the definition entirely and it is one of two alternative criteria that the BZA has to consider when they are making their decision. What that means in reality is that the BZAs that are respectful of their zoning ordinance and the standards that they are supposed to be applying is they probably will continue to make the same decisions that they have. It is hard to quantify the difference between an undue hardship and a hardship. The BZAs that hand out variances like special privileges will probably continue to ignore it. The change in the law probably makes it easier for those decisions to be upheld, although he thinks there is still a very high standard for variances even though hardship plays a less important role than it has historically.

Mr. Lafferty said the way that sentence reads it replaces the requirement that the ordinance must not unreasonably restrict. It appears that you have to have an ordinance that must unreasonably restrict.

Ms. McCulley asked to qualify as a variance she thinks that is the language.

Mr. Lafferty said the first part of it makes sense to me.

Mr. Kamptner agreed and noted in the second clause in the middle bullet definition of variance it says the variance is available when the ordinance unreasonably restricts the use of the property. So the applicant has to make that showing and the BZA actually has to make that finding. The BZA has to find an unreasonable restriction. That is where he thinks the General Assembly kind of faltered, since he thinks the intention all along was to lower the standard. However, to find an unreasonable restriction is still a pretty high bar for an applicant to establish.

Mr. Keller noted the old hardship clause that they all learned in our basic planning is still there, but not in the same words.

Mr. Kamptner agreed. A lot of the opposition mainly by local governments was they have a well-developed body of law going back 70 years or so in Virginia applying the standard - and they are just throwing it out. The one thing that he would say though is that there might be one single variance case at both the appellant and the trial court level in Virginia that resulted in a published opinion where there actually was even a hardship. The typical variance application is the family in the house and they want to put a deck that is going to encroach into the setbacks; they want to convert the garage into a family room; or they want to build a new room onto the side yard setback. That is the typical request. If the BZA is doing its job it still is not going to qualify for a variance.

Mr. Randolph noted he thought they had one here in the last 3½ years that involved an effort out in Crozet where the applicant wanted to put the grandparents in the back. He asked if that rang a bell for anybody.

Mr. Morris replied yes, but it was in Ivy.

Mr. Keller pointed out there is legislation in Virginia that allows you to put a temporary unit in any yard for health reasons.

Mr. Kamptner said there are also circumstances where the ADA and the Fair Housing Act will trump the State variance standards because under the ADA and the Fair Housing Act they have to make reasonable accommodations under our zoning regulations. However, it has been waived in prior iterations and certainly not the current iteration of the ADA. Very early on in his time here, they had an application that he believed the variance was granted. However, it was not even being looked at under the ADA grounds for an elderly person to be able to live in the home since they needed a covered walkway that encroached into the front setback. It has been years, though, since they have had one.

Ms. McCulley pointed out next they would move on from the codification of the new State law that relates to BZA and their proceedings into housekeeping items.

Variation or Exception for Site Plan Improvement Requirements

- *Sinclair* case holding that general waivers/modifications of zoning regulations are legislative in nature. Holding does not relate to development requirements whose origin is in Subdivision or Site Plan enabling authority. Draft Section 32.3.5 clarifies the variation and exception process for site plan improvements.
- Administrative review of the waiver/modification with appeal to the Commission and then to the Board.

This one in particular is probably more along the lines of what the Planning Commission deals with. As a result of the Sinclair case, many waivers and modifications that were previously reviewed by staff and/or the Commission, are instead special exceptions that are heard and decided by the Board of Supervisors. An exception to that are site plans and subdivisions (and associated improvement requirements). They originate from a different statutory framework and do not involve policy or law, but instead are the application of technical requirements to a particular case/application. Examples of improvement requirements are parking, travelway and landscaping requirements. A more specific example is the requirement for curb and gutter or the minimum width requirement for a travelway, which are technical requirements with specific criteria to vary from the default. Those are reviewed by the agent for the site plan or the county engineer in the case of a lot of the parking, travelway and drainage things. The revisions that are in the draft ordinance attached to the report just better reflect the process. Other revisions within the site plan regulations, Section 32.0, include updates to better interact and be consistent with the revisions to the Water Protection Ordinance (WPO) to update to be consistent with the State storm water management requirements.

The Architectural Review Board (ARB) regulations are revised for reformatting for clarity and consistency. One of the most substantive changes is to codify the process that relates to Design Guidelines. It may have been a bit mysterious before and this just makes it clearer. The State law also makes it clear that there is a requirement for advertising notice for the adoption of ARB Design Guidelines. Then there is also a requirement after the ARB approval that the Board of Supervisors ratify the Design Guidelines before they become final and can be used for review of development. That is clarified in the revisions under that section.

Violations (Section 36)

Under Section 36, which are violations, updates include clarification as well as consistency with the State Code. Practical updates include things such as the notice of a violation must state the applicable appeal fee and where information may be obtained regarding filing an appeal.

One thing she forgot to mention, which was not in the attached draft ordinance, is a very common violation - a site plan violation. Therefore, they want the site plan ordinance to more clearly state that you need to maintain your site consistent with your site plan or else that is a violation. If you add new parking areas, new buildings and things like that, that is a violation of your site plan. Therefore, in the draft that goes through public hearing, staff will be adding that. She asked for input from the Planning Commission.

Mr. Randolph noted he had several questions. On page 10 under Section 32.7.4.1 he noted with interest that erosion and sediment control and other water regulations were struck out. He asked Ms. McCulley to remind him the reason why they were excluded. He asked has that been superseded by another Code aspect in here that he did not catch. However, he understands the focus on storm water management.

Mr. Kamptner asked what section he was referring to.

Mr. Randolph replied on page 10 under Section 32.7.4.1 at the top where erosion and sediment control and other water regulations were deleted. The whole section focuses on storm water management, water pollution and soil characteristics and he was just curious why that language was struck.

Mr. Kamptner replied it was really to keep up with the Water Protection Ordinance because under the new Water Protection Ordinance in State Law, storm water management is the overarching item.

Mr. Randolph said that is what he thought, but just wanted to double check. He asked on page 12 under d) at the bottom it states that except one member may be a member of the commission. He asked which commission they are referring to here.

Mr. Kamptner replied it is defined in the zoning ordinance to mean the planning commission, which is right out of the state enabling authority.

Mr. Randolph said the next question is on page 30 comment 2, notice of the hearing, which may be better directed to Mr. Kamptner. Why is there no time period attached to the notice. He reads that section and it does not say that there has to be a certain period of time when adjoining, adjacent and abutting property owners are notified prior to a hearing. Is that covered in another aspect of the statute?

Mr. Kamptner replied it is covered in the State Code section that is referenced there and five (5) days is the minimum notice required for abutting owners.

Ms. McCulley asked if he was talking about the State Code provision 2204, and Mr. Kamptner replied yes.

Ms. McCulley referred the question to Mr. Kamptner since he knows that section better.

Mr. Kamptner noted that Bill Fritz and he have been working on the resolution of intent that was adopted to expand the notice given for certain wireless applications. However, Mr. Fritz may be going back to the Board to get some further direction about being consistent across the board with respect to the advance in the type of written notice that is given to abutting owners or even extending beyond. However, right now all of our regulations that require notice under this State statute refer to that state statute. Five days is the minimum written notice. However, he thinks what staff would tell us is that even though that is the minimum that the written notice typically goes out 10 to 15 days ahead of time. He asked Ms. McCulley if that is correct.

Ms. McCulley agreed that she thinks that is right.

Mr. Randolph said that is great; however, five days just seems entirely too short given the way people live their lives and oftentimes they don't open their mail for a couple of days.

Mr. Morris invited other questions.

Mr. Dotson noted he had one question on page 21 of the staff report where it is talking about the criteria for variances that may come straight out of the new State Code. It strikes him that the language here sort of turns things on their head from what he is accustomed to because it talks about criteria to establish the "right" to a variance as opposed to the "basis" for a variance.

Mr. Kamptner replied the language in the State's new law is that the BZA shall grant a variance if these criteria are met. The current law said that variances are authorized if the BZA finds so the General Assembly has flipped it.

Mr. Dotson asked do we have to use the word "rights" to a variance. He would be more comfortable with "basis" for a variance.

Mr. Randolph suggested if they hear a right that might not be constitutionally sustainable.

Mr. Dotson said the turning on its head and the word "rights" are the things he wanted to mention.

Mr. Keller said he had a question about the Board of Architectural Review. If he understands it, staff is working on updating areas or suggesting other areas for that. There is something the Commission has heard from Mr. Cilimberg that staff is working on.

Mr. Kamptner replied that he thinks Ms. Maliszewski is working on that project, but he is not working directly with that project yet. However, the objective is to have corridor specific guidelines.

Mr. Keller asked if this is basically the enabling piece or umbrella piece that all of those will fall under?

Mr. Kamptner replied this lays out the process for that. There is a process in the current regulations; however, it is just kind of confusingly written. That language has not been revised since 1991 or so and they are taking this opportunity to do that.

Mr. Keller said after updating this if there are five new corridors added would it come back to the Commission just like if there was a new land use district and it get added into the list.

Ms. McCulley pointed out if they actually add new corridors it would be a zoning text amendment and a zoning map amendment because it is an overlay district. If they adopt the corridor specific design guidelines for those, let's say those five corridors that already exist, then this outlines the process that would be followed.

Mr. Kamptner noted that is a process between the Architectural Review Board (ARB) and the Board of Supervisors. However, there is no reason why it could not come through the Planning Commission for input like when the Water Protection Ordinance was first adopted. He thinks a couple of the other significant amendments have come through the Commission as well. However, he did not think last year's amendments did just because they were under such a time crunch.

There being no other suggestions, Mr. Morris asked if the Commission was ready to ask staff to schedule the zoning text amendment for public hearing.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to request staff to schedule ZTA-2015-00003 BZA/Variances for public hearing.

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

Mr. Morris noted that staff would schedule ZTA-2015-00003 BZA/Variances for 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.

a. New Planning Commission representative on University of Virginia Master Planning Council.

Mr. Morris noted Ms. Firehock would like to come off the University of Virginia Master Planning Council. He checked with Mr. Dotson today and he has been a part of that process when he was Associate Dean as well as Department Head and he would like to nominate him to take that position.

Mr. Randolph seconded the motion.

There being no other nominations, the motion passed by a vote of 6:0. (Firehock absent)

Mr. Dotson appointed as the new Planning Commission representative on University of Virginia Master Planning Council.

b. Joint City/Planning Commission Meeting on June 23, 2015.

c. The next Planning Commission meeting will be held on Tuesday, May 19, 2015.

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

Adjournment

With no further items, the meeting adjourned at 7:41 p.m. to the Tuesday, May 19, 2015 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)