Albemarle County Planning Commission
March 21, 2017

The Albemarle County Planning Commission held a public hearing on Tuesday, March 21, 2017, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Karen Firehock, Vice-Chair; Daphne Spain, Mac Lafferty, Pam Riley, Jennie More, Bruce Dotson and Bill Palmer; University of Virginia Representative.

Other officials present were Scott Clark, Senior Planner; Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Deputy Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, 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. Keller invited comment from the public on other matters not listed on the agenda. Being none, the meeting moved to the next agenda item.

Consent Agenda

a. Rules of Procedure Amendments

Mr. Keller asked if any Commissioner wanted to pull an item from the consent agenda.

MOTION: Mr. Lafferty moved to approve the consent agenda and Ms. More seconded the motion.

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

The consent agenda was approved.

Public Hearing Items

4a. SP-2017-00001 North Garden Farmers' Market
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 08800-00-00-006A1
LOCATION: Monacan Trail Road (US 29) and Red Hill School Road (Route 760)
PROPOSAL: Farmers' market
PETITION: Farmers' market under section 10.2.2.54 of the zoning ordinance

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Entrance Corridor
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
(Scott Clark)

Scott Clark summarized the staff report for SP-2017-00001 North Garden Farmers' Market in a PowerPoint presentation.

This is a request for a farmers' market in the Rural Areas zoning district located at the intersection of US 29 South and Red Hill School Road. In an overview view of the area, you can see Route 29 through the middle of the map; Red Hill Elementary School is just off to the west; Red Hill Quarry is to the east of the red spot in the center, which is the proposed site. It is a 4½-acre site at the intersection of 29 and Red Hill School owned by North Garden Fire Department with an existing entrance at the southeast corner.

Just to clarify in our zoning ordinance a farmers' market is specifically for vendors who are engaged in production of agriculture in the County. This is not a generic farmers' market for an agriculture produce mini-mart, but a market for local producers. The request is for a farmers' market that would happen once a week from April through November. There would be space for 20 members, parking for 45 customer vehicles and use the existing entrance as shown on Red Hill School Road.

In the conceptual plan for the use, he pointed out the existing entrance and that about one-half of the property is taken up by the pond that is used as a water source by the fire department. The area around that pond is in a County mandated stream buffer and there will be signage to prevent vehicles going in that area. There is also an unpaved informal entrance for fire trucks that would be blocked during the farmers' market operation. He pointed out the four sided area, three sides of which are taken up with sales booths and parking for the vendors; and, the rest of the area is taken up with travel ways and parking. Again, this is an existing grassed site; there would be no pavement or no marked sites. The layout shows how the farmers' market would be laid out on the grass area.

As far as the criteria for the approval:

No substantial detriment. **The proposed special use will not be a substantial detriment to adjacent lots.**

- It is an occasional use and seasonal.
- There is no construction proposed.
- There will be no lighting or amplified sound.

The impacts will be the traffic and the activity one day a week.

The character of the district will not be changed by the proposed special use.

- This provides sales opportunities for local agricultural products to be sold to local customers to support the character of the Rural Areas District

Consistency with the Comprehensive Plan. **The use supports our Comprehensive Plan goals for the Rural Areas by providing an outlet for local produce.**

- Farmers' markets in the Rural Areas support agricultural uses and the viability of agricultural land.

SUMMARY:

Staff has identified the following factors favorable to this proposal:
1. Farmers' market support local agricultural production and therefore are supportive of Comprehensive Plan goals.
2. No permanent improvements are needed for the use.
3. The site has an existing permitted entrance on Red Hill School Road, allowing the use to operate without generating conflicts with higher-speed traffic on US 29.

Staff has identified no unfavorable factors to this proposal.

RECOMMENDED ACTION:
Based on the findings contained in this staff report, staff recommends approval of SP-2017-00001 North Garden Farmers' Market with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Red Hill Farmers Market" prepared by Shimp Engineering, P.C., and dated 03-01-2017 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.
2. The use shall operate only through the months of April through November of each year.
3. The use shall operate no more than one day per calendar week.
4. The use shall operate no earlier than 8:00 a.m. and no later than 8:00 p.m. That is just the window in which it could incur.
5. No amplified sound and no lighting shall be installed or used for the market use.
6. If the use, structure, or activity for which this special use permit is issued is not commenced by [date two years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Mr. Clark said he would be happy to answer questions.

Mr. Keller invited questions for staff.

Ms. Spain said there was mention about the placement of the toilets and she saw that they were by the shrubbery. She asked are they going to be there all the time or just when the market is open.

Mr. Clark replied that the applicants can answer that for sure, but he believed the toilets were going to be there all the time because it would be impractical to bring them in and out every week. However, the comments that we received both from a neighboring landowner and from our design planner were for the original location, which you can see over in the area very close to Red Hill School Road; and, we wanted to remove those farther away from the view of the adjacent landowner and farther from the Entrance Corridor. Therefore, the current location as shown is intended to do both.

Mr. Dotson said he had a question about the condition about April through November and maybe he would ask the applicant the same question. He asked does staff have a reason for wanting it to be April through November or is that what the applicant asked for.

Mr. Clark replied when staff asked the applicant if they intended to have a particular season of operation that is what they replied. He pointed out it gives the site some time off from being used so it can recover. In addition, it helps, not that you would want to, but you do not end up with a holiday market or something that is happening in December when you might have bad weather causing more erosion on the site. He said it just limits the time of year in which there is a rest of use.

Mr. Dotson noted that he was just thinking about Christmas trees locally grown in December, but maybe the applicant can respond to that. The other question is what kind of signage is allowed for an activity like this. Is a sandwich board by the entrance, or what kind of signage is allowed under our ordinance? It is a matter of curiosity; it is not a condition here.

Mr. Clark replied that he was not an expert in signage; however, there are sign permits that are available through a standard process with the Zoning Division and the ARB. He would expect there would be temporary signs either direction along 29 to direct people. That would be something the applicants would go through in specific detail if the special use permit were approved.

Mr. Keller invited other questions. Hearing none, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Irma Mahone, thanked the Commission for considering our special use permit application. She noted she was one of three on a task force including Reverend Neal Halvorson-Taylor and Madison Cummings. We are a self-appointed task force that decided to explore this option in our community for the idea for what we are now calling the Red Hill Farmers' Market. It started with the question is there something we can do in our community to support our young local farmers. Therefore, we just started having that conversation in the community and she would just like to say that the Cove Garden Ruritan Club has given us their blessing. That is where Madison volunteered to help develop this. We have the cooperation of the North Garden Volunteer Fire Company because the venue that we wanted to have this market is on their property. Now we

also have the blessing of the North Garden Area Christian Community, which includes 17 little local churches. So we feel like we have the blessing of the North Garden community on this venture and we certainly hope that you will seriously consider our application tonight.

Reverend Neal Halvorson-Taylor said he was the Priest at Grace Church Redhill just down the road from the proposed site. We have a draft of a market mission statement and he would read it to the Commission. "Red Hill Farmers' Market serves as a center of activity in North Garden by providing a variety of high quality local product and other local products. Vendors seek to create an enjoyable atmosphere that serves not only as a market but also as an entity that contributes to a prosperous local food and product scene and promotes a sense of community. The mission is to support a healthy diet through fresh nutritious local seasonal foods. This serves to support sustainable agriculture as well as the health and economic well-being of our locality. The goals and visions of the farmers' market encourages, supports, and promotes the entrepreneurial efforts of local independent and small scale farmers, local growers, and local artists who seek to sell their products directly to consumers. It creates an opportunity and an environment for people to meet, eat and share stories, recipes and knowledge in a place dedicated to cultivate local products and talents. It strives to create an atmosphere that serves not only the market but also contributes to the prosperous rural area and promotes a sense of community." Thank you.

Madison Cummings thanked the Commission for hearing the request. He said those of you that know me may remember that he ran for the Board of Supervisors in '09 and one of the planks of my platform was supporting local agriculture and the beauty of Albemarle. He explained this request is one of the ways that we are trying to do that and support local agriculture. He said he also served as a member of the School Board and so he has always been about kids and wants to see young men and women go into farming or also those who are in farming have more of an option for selling their product. Being a long time Albemarle County resident he said he loves the place and wanted to enhance it with this application.

Ms. Mahone said we are very thankful for the work and volunteer contribution of Shimp Engineering and Justin Shimp has helped us with this application process.

Justin Shimp, the engineer for the farmers' market, said he was here to answer any questions and he will throw a plug in for you and staff's time because he had never dealt with a farmers' market or a country store kind of thing. When these folks first came to me, he said special use permit, $1,500 fee, site plan, and survey. Then he told them no, you cannot do this. However, little did he know that staff had actually worked out a simplified process over time as a site plan waiver where you can go and draw a sketch like this to operate a market. He said that is great and if there are any questions about the layout he would be happy to answer them.

Mr. Keller invited questions for the applicant.

Mr. Dotson noted his question was just on the time-period each year instead of April through November strikes me it might be beneficial to throw in December also for Christmas trees, wreaths and things grown locally.

Reverend Neal Halvorson-Taylor thanked Mr. Dotson for that suggestion and investment in this proposal. He thinks if it is okay with the Planning Commission, we would be happy to change that to consider it.

Ms. Spain asked how many vendors do you have lined up already.

Reverend Halvorson-Taylor replied that they have no vendors lined up at this point. He said they have many people that are interested, but we want to make sure that we have approval before proceeding.

Ms. Spain said when you mentioned the stakeholders that you consulted who had given this project their blessings you mentioned the Ruritan Club, and Reverend Halvorson-Taylor replied yes.

Ms. Spain noted they are representing the farming community in that area.

Ms. Firehock pointed out she had attended the community meeting and asked do you have a market manager or somebody on site each time the market is open just kind of making sure things run smoothly.

Ms. Mahone replied yes, we have a volunteer manager for this first year. However, the long-term hope is that it can be successful enough that we can actually pay a manager sometime in the future.

Ms. Firehock said she assumes you will be creating your own ground rules for rules of the pull, if you will, and will you be restricting the vendors to people who have produce from Albemarle County or products made here mostly.

Ms. Mahone replied we have not finalized all the policies for this market yet. We are readying all the neighboring farmers' markets and all their policies and reviewing them, but we have not had our final decisions about exact policies.

Ms. Firehock pointed out that is not required for your site plan, but is just a word of caution. She noted that Charlottesville does have some vendors from very far away counties who are larger corporate so you just want to be careful that you do not get overshadowed.

Ms. Mahone replied that we definitely want to make it a local event and had been advised about that.

There being no further questions for the applicant, Mr. Keller invited public comment. Hearing none, Mr. Keller invited applicant rebuttal. There being no applicant rebuttal, Mr. Keller closed the public hearing to bring the matter before the Commission for discussion and action.

Ms. Firehock said she attended the community meeting and she really did not hear anything but favorable comments and thought that the folks running this endeavor were very receptive to ideas and hearing no complaints she asked if anyone was for it and they all said yes, we really

want to see this happen. To Commissioner Spain's question, Ms. Firehock pointed out there were actual farmers there who would like to sell at the market and actually, she had bought from them in the past in other locations. So at least we have one or two farmers ready to go if they get going.

Mr. Keller asked if there was a motion and do we want to include Mr. Dotson's suggestion, which seemed to have met with favorable response from the applicant, in that motion.

Ms. Firehock moved to recommend approval of SP-2017-00001 North Garden Farmers' Market with the conditions outlined in the staff report, as amended, to add one change to the months it will be open in condition #2 to you shall operate only through the months of April through December of each year.

Mr. Dotson seconded the motion.

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

Mr. Keller thanked the applicant for providing this community service. He said this request would be moving on to the Board of Supervisors in a timely manner.

The meeting moved to the next agenda item.

4b. ZMA 201600019 Riverside Village Amendments

MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 078G0-00-01-000A0
LOCATION: Northwest quadrant of Stony Point Road (Rt. 20) and Trailside Drive.
PROPOSAL: Increase maximum number of dwellings from 16 units to 36 units in Block 1.
PETITION: Modify application plan, Code of Development, and proffers for Block 1 which contains 2.41 acres and zoned Neighborhood Model District, which allows residential (3 – 34 units/acre) mixed with commercial and service uses. Changes in Block 1 would increase the maximum number of units from 16 to 36 which results in an increase in density from 6.6 units per acre to units 15 units/acre; 2) reduce the minimum commercial sq. ft. from 16,000 to 8,000 sq. ft. in Block 1; 3) replace a single 5,000 sq. ft. plaza with multiple smaller plazas totaling 5,000 sq. ft.; 4) reduce the minimum build-to line on Trailside Drive from 50' to 25'; 5) make accessory uses and buildings by-right rather than by special use permit; 6) modify proffers to provide 15% affordable units in Block 1; and 7) provide a cash proffer for the 36 additional units of $7,419.91 for each new multi-family dwelling unit.
OVERLAY DISTRICT(S): Entrance Corridor
PROFFERS: Yes
COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; greenspace – sensitive environmental features including stream buffers, flood plain, and adjacent slopes. and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Development Area.
POTENTIALLY IN MONTICELLO VIEWSHED: Yes
(Rebecca Ragsdale)

Rebecca Ragsdale summarized the staff report for ZMA-2016-00019 Riverside Village Amendments in a PowerPoint presentation. Ms. Ragsdale pointed out she was sitting in for Elaine Echols and would be presenting the proposed changes, which pertained to block one within Riverside Village – near Darden Towe Park between Free Bridge Lane and Stony Point Road. She presented pictures of the site and the area, noting that the property is adjacent to the Elks Lodge and across from Wilton Farms, with a County park dedicated as part of the rezoning. Ms. Ragsdale said that Riverside Village is a neighborhood model district, so there is a code of development and application plan in addition to the proffers, with neighborhood model development regulations applying by block.

Ms. Ragsdale reported that the proposal is to increase the number of residential units from 16 to 36 units, taking the overall development from 69 to 105 total units. She stated that the applicant is also seeking to reduce the minimum non-residential square footage from 16,000 square feet to 8,000 square feet, and in lieu of requiring a central plaza of 5,000 square feet, they have the option of doing the smaller plazas still totaling 5,000 square feet. Ms. Ragsdale noted that there is also a correction to the build-to line for the buildings from Trailside Drive, which is the main internal road within the development adjacent to the block. She said that staff discovered when they were reviewing this proposal that for some reason, accessory structures were listed in the code of development by special use permit, so they suggested that they be allowed by right.

Ms. Ragsdale mentioned that this would result in several proffer changes as well, and the other proffers originally approved with the rezoning would not be affected – as the parkland dedication and trails have already been satisfied, and they have received $30,000 cash to be used for a park master plan for that site or towards Darden Towe, and the frontage improvements on 29 have been completed. She stated that the proffers affected would be the affordable housing one to add the provision that 15% of the units in block one would be affordable, and to update the cash proffers to cover the additional units in block one.

Ms. Ragsdale said that in terms of staff's findings with regard to changes, they feel that the application continues to meet the principles of the neighborhood model established when the property was originally rezoned, and the applicant is mitigating the impacts of the additional units with cash proffers and market rate units. She added that the County did not receive any comments from VDOT that there needed to be additional traffic improvements, and there were several community opportunities for input – the Pantops Community Advisory Committee and the required community meeting during the rezoning process. Ms. Ragsdale said that there were no objections raised at the community meeting and the committee is supportive of additional density at this site, although it is slightly higher than what is recommended at the Pantops Master Plan – which is noted as an unfavorable factor.

Ms. Ragsdale mentioned that there were also some technical changes such as typos and corrections for the parcel and tax map parcel number, as well as the rezoning number, and staff has requested that it be specified in the code of development that the plaza have a focal point. She stated that staff recommends approval of the changes to the application plan, code of development and proffers.

Mr. Dotson said that staff has noted in the staff report that the master plan and Comp Plan are out of synch – as one says "urban" and one says "neighborhood density" – and asked if there was anything in the plan that says one will take precedence when there is a discrepancy. He clarified that the land use plan has urban density residential as the designation, whereas the Pantops Master Plan has neighborhood density, and he anticipated in the Comp Plan that those could be in conflict during situations.

Ms. Ragsdale responded that the property is definitely designated as neighborhood density in the master plan, and the applicant has proposed something approaching urban density. She stated that neighborhood density is typically 3 to 6 dwelling units per acre, and urban is 6 to 36, and this is an area within Pantops that has urban density recommendations adjacent to it, and staff felt it was an appropriate place in the development area to go out of the neighborhood density range into urban a little bit. Ms. Ragsdale noted that the resulting density was in one of the charts in the application plan and code of development, so the applicant is going from 69 to 105, which results in a gross density of 5.7 units per acre; whereas the existing zoning allows the 69 units, and the gross is actually 3.7 units per acre.

Mr. Dotson stated that he understood the land use plan to mean the Comp Plan.

Ms. Ragsdale responded that they are referring to the same document.

Ms. Firehock said that she is not understanding staff's response, and stated that the master plan is older and the Comp Plan is newer – and asked which proposal would take precedence.

Ms. Ragsdale responded that the master plan would take precedence, stating that Ms. Echols had provided them with a lot of history regarding density on this property and staff was trying to point out that before adopting the Pantops Master Plan, the land use plan showed the entire area for urban density. She said that when staff did the master plan, they were trying to think "transect," with the park being a neighborhood focal point, and this property ended up getting the neighborhood density designation to create an edge in that area of Pantops. Ms. Ragsdale emphasized that the master plan is what's adopted and is the policy on the books currently.

Ms. More asked her to go back to the chart referenced previously that showed the total units per acre as 5.7, noting that Ms. Ragsdale had mentioned a different number.

Ms. Ragsdale responded that what is not appearing here is what the applicant is allowed for the development currently.

Ms. More noted that in the Commission's packets, it shows an increase in density from 6.6 to 15 units – and she did not know if that meant block one only.

Ms. Ragsdale responded that they have the density listed by block in the code of development, which would go up to 14.6 for block one in terms of net density, and the density listed on the bottom is the total acreage for Riverside Village – including the park and the roads, and block six is just the park. She said that the gross is 5.7, which includes everything, but staff presents all the numbers such as totals per block.

Ms. More asked if it was 14.6 or 16 for block one.

Ms. Ragsdale responded that it was 14.6 for block one, and the proposed density for the 2.41 acres in this amendment is 15 dwelling units per acre.

Ms. Riley stated that she either was trying to clarify on proffer #2 for affordable housing that the units can be for sale or for rent, with 15% proffered in general.

Ms. Ragsdale responded that this was correct.

Ms. Riley asked if proffer #5 for cash for the residential units for $7,417.91 per unit is a reduction in what was previously proffered.

Ms. Ragsdale responded that this is using last set of numbers from the Fiscal Impact Advisory Committee, and when it was originally approved they were using the maximum cash proffer amounts at the time – but once they were reevaluated, they went down, so the applicant is using the latest numbers for the units in block one.

Ms. Spain noted that in the past, the requests to reduce proffers have come before the Commission.

Ms. Ragsdale explained that the applicant is not reducing the proffers that apply to the rest of the development, just the new units.

Ms. Spain asked if there were affordable units there now, or if the 15% affordability depended upon creating more units in block one.

Ms. Ragsdale stated that there are a total of 10 that would be provided in the rest of development, and there are 4 condominiums in block five and 6 in block two.

Mr. Keller stated that there has been a lot of discussion of economic development in the commercial side of the mixed use communities, and it appears that much of the economic development has been coming out of the County Executive's Office – although there was some effort to have this more blended with other areas. He asked if there had been discussions with the Economic Development Office about the potential loss of commercial areas in this resubmission.

Ms. Ragsdale responded that planning staff still sees Susan Stimart quite often, and to that office did not seem to have concerns for this particular site. She said that she did not know if they were reducing the maximum allowed, but they were reducing the minimum required, and there was a neighborhood service type scale of commercial expected. She noted that staff included some economic development policies in the staff report as it would relate to this.

Mr. Keller asked her to show the numbers that she had previously reported.

Ms. Ragsdale responded that the minimum is going from 16,000 to 8,000.

Mr. Keller commented that half seems to be significant.

Ms. Riley said that she did not have chance to review the ARB meeting that took place in April, but her understanding was that the tentative site plan included three buildings. She asked if there were any concerns expressed by the ARB in terms of the massing and scale, or dividing the plaza into more than one focal point.

Ms. Ragsdale responded that staff was just looking for more specificity in terms of a focal point, but they would review the final design. She stated that thus far, this block does not have a site plan or any final approvals from the ARB, but they had one preliminary round of review. She stated that the ARB saw three buildings and the plaza with the focal point aligned with the pedestrian use, and staff had noted that ARB comments were provided with the list of technical changes – noting what they would be expecting to break up the massing of the buildings, if it were two three-story buildings instead of three buildings.

Ms. Spain noted that the staff report listed this as being in the Scottsville Magisterial District, but it should be Rivanna.

Ms. Ragsdale stated that staff would correct that typo.

Ms. Ragsdale said that the applicant could still do the maximum of 36,000 square feet, and what they have reduced is the minimum required – from 16,000 to 8,000.

Mr. Keller opened the public hearing.

Mr. Justin Shimp, project engineer, addressed the Commission and stated that this amendment proposes lower density but not a change in scale, and noted that the applicant was staying within the confines of the plan as originally proposed but was trying to build a bit more flexibility into the project. He mentioned that the applicant has been work with economic development staff for the last two years to get offices in this area, but are finding that it is not really happening. Mr. Shimp said that retailers are very excited, and it makes more sense to increase the residential component in workforce-targeted housing, providing retail amenities that are more neighborhood service related. He mentioned that when they started this project, it was the beginning of the gross versus net discussions – and since the parkland was part of the property when the zoning occurred, the density included that piece. Mr. Shimp added that there is less acreage now and it is better to focus on the individual blocks.

Mr. Shimp stated that one more compelling reason to consider more residential here is that, to his knowledge, this is the only mixed-use development in Pantops. He said that the area is really low on residential, particularly for an area that has non-vehicular accessibility for employment opportunities. Mr. Shimp pointed out the applicant's site on a map, and said that they see this as a spot where commercial makes sense, but it is an opportunity to make a mixed-use neighborhood in a scale that is consistent with what is expected in terms of two to three-story buildings, a mix of single-family residences, and other products.

Mr. Shimp presented photos of the Riverview Village site; pointing out the last house in the single-family section and noting the location of block one. He stated that there are many people using the sidewalk along the frontage, with condominiums, townhomes, and single family – and they ran out of density to create smaller scale apartments. Mr. Shimp said that the applicant is back because as they built over time, they found the density they had was used up – and they feel there is a need for people to have access to employment center locations. He pointed out the location of the Riverhouse condominium buildings at the back of the property, which consists of 24 units and 4 affordable for-sale units, and the location of townhomes with an affordable rental unit and a single-family section with a pedestrian street or muse. Mr. Shimp noted the focal point plaza location for the future development, stating that the original plan with three buildings and a bend going to the plaza would not line up with new development – so they have made an effort to connect the neighborhood straight back to the condo building, up the sidewalk to the road so there is a clear path for people to go from the street to the river.

Mr. Shimp mentioned that there were a number of letters of support for the amendment, and there was a lot of support from the Pantops Community Advisory Council. He stated that traffic decreases when a property switches to residential from commercial, and the ability to increase the landscaping between residential and commercial improves. He offered to answer questions.

Mr. Dotson asked him to expand on his previous comment that they should focus on scale instead of focusing on density.

Mr. Shimp stated that the approval was for two to three stories with a size of up to 40,000 square feet, and their code of development establishes that for every residential unit they add, they lose a certain amount of square footage of commercial. He stated that if they build these as office or residential, it is the same building but just a different use inside – but the amended proposal is a more efficient use of land with less traffic impact, especially for those living there who don't use their cars for work.

Mr. Dotson asked him to clarify what he meant by more efficient.

Mr. Shimp explained that for every residential unit, a certain amount of commercial square footage is taken away – and a 700 square foot office would generate less traffic than a 700 square foot apartment, using standard trip generation.

Ms. Firehock asked him to confirm how many buildings there would be, because in the materials provided, it just shows one big rectangle.

Mr. Shimp responded that the applicant's intent is to build two, but the code does not preclude it from being three.

Ms. Firehock asked how far apart two buildings would be, as she was trying to get a sense of massing on the site and what the structures would feel like to the pedestrian.

Mr. Shimp responded that it would be about 50 feet, noting that there is a plaza between each building and at each building for retail use, there is an accompanying plaza area outside of about 50 feet.

Ms. Firehock stated that she was not necessarily a fan of one big space because they tended to get paved over and become dead zones unless they had a designated use, and she asked how many of the smaller areas or pocket parks there would be and how they would be used.

Mr. Shimp responded that the applicant has hired a landscape architect to work on that space, with each space on the lower level intended to provide an opportunity for people to have some amenity adjacent to their entrance. He stated that the idea is to have benches and landscaping to create a series of amenities spaces, possibly connecting the central one at the end but having their own separate space.

Ms. Firehock stated that she was trying to ascertain whether the spaces were intended to be private or public.

Mr. Shimp responded that they were public to the neighborhood, not owned by an individual retailer – although there may be a coffee shop with an outdoor space, such as there is on the downtown mall. He stated that it was hoped that these spaces would draw people from the houses or streets in to use those businesses.

Ms. Firehock asked if the plaza spaces would be interior to the development and would not be fronting the sidewalk.

Mr. Shimp stated that there would be access from Route 20 to the patio and from the plaza area, and from the parking lot to the plaza area.

Ms. More commented that there has been a consistent effort to make a request for more units – with 108 requested in 2007 – and non-residential use seemed to fluctuate but was not dropped down in the drastic way that it is now. She said that from the onset of project, it seemed like there was a desire for more units than what the Commission and Board recommended, and that was not affecting the amount of non-residential space the applicant was using. Ms. More stated that now that the applicant was building out, they are finding they still don't have the 100 units they wanted – and she is expected to believe that there is not business or office or retail that can move in and offer that sense of community. She said that there was a restaurant to be by the river and she does not see that in this block, and now the applicant wants to reduce the non-residential so they can get more residential units in.

Mr. Shimp stated that since 2004, there have been three or four owner-applicants and numerous proposals – including one for 112 townhomes all in a row, which would have been an odd setup. He said that the plans brought before the County previously did not address the scale of that density. Mr. Shimp stated that the applicant has a mix of single-family detached, single-family attached and multi-family units, and the point of comparison he uses is what 36 more small apartments look like in comparison to 36 more townhomes. He said that the design phase plans brought forth before did not address the issue well and the project was overbuilt in some cases.

He said they had various possible options with certain unit here and there, and as the project came along, they realized they could build it out and use the density they have in a way that was appealing. Mr. Shimp agreed with Ms. More that there was a request for higher non-residential development, but they needed to take into account whether it was a good plan for the property – not just whether the density was right. He stated that in the prior plan, the owner had purchased the property with the understanding of 6 to 31 units per acre. He noted that there was also the discussion of gross versus net density at that time, and the current proposal is under 6 units per acre with the additional 36, using the gross density standard.

Ms. More asked him to address the restaurant, which she had specifically been requested to ask about.

Mr. Shimp responded that in block five, there was an option for commercial square footage and the applicant always liked the idea of some kind of commercial use there. He stated that 10 years ago, Free Bridge Road – the paved road behind the property – was considered for an active greenway with the road closed and the area serving as a center for people and activities. Mr. Shimp said that it would be good to have the option if there was a way to interface with the river, but that has not happened and would likely not be happening in the near future. He stated that in speaking with restaurant people, being back in a neighborhood with no visibility on any kind of street would not work, although there had been a lot of interest from restaurants for the front piece, to be part of the neighborhood and be upon the road where there is visibility.

Mr. Keller invited public comment.

There being none, he closed the public hearing and stated that the Commission could ask some additional questions of the applicant.

Mr. Keller commented that he appreciated the narrative in which Mr. Shimp, as a representative of the development community, explained the process and the evolution of the project. He asked whether – if there is still 36,000 square feet of commercial space left as the plan is proposed, and given that three is a homeowners association – there was any mechanism by which they would have an opportunity in the future to go with a different configuration of mixed use and density.

Mr. Shimp responded that this was the applicant's intent and they would not even have to scrap the buildings, as they could covert five residential units into an office space in the building. He added that there is the intent for it to remain flexible if things change in the future.

Mr. Keller asked for confirmation that they have that flexibility, even with the current model and without moving to form-based code.

Ms. Ragsdale clarified that the code of development would govern the chart they were talking about earlier, and they were not required to do any residential on the block – so they could do up to 36 non-residential, with the only minimum requirement being the 8,000 square feet.

Mr. Keller asked if it would have to be rezoned in 15 years if the applicant had maxed out their residential density, to accomplish the kind of mixed use that is conceptualized for a place like this.

Ms. Ragsdale responded that in order to change the maximums in these developments, the applicant would have to come back through with rezonings, although there was flexibility with moving square footage and units within blocks. She stated that there was an overall limit in terms of the number of units and commercial square footage that gets established, which is a requirement in each of the neighborhood model code of developments. She said that with planned districts, there is some flexibility with moving things between blocks through the special exception process, but the goals of mixed use for neighborhood model districts is what is relied on.

Mr. Shimp clarified that the applicant's intent is to build an office space that could be converted to residential in the future, provided they stay within the maximum number – or could convert the residential back to commercial, providing they don't exceed the 36,000 limit.

Mr. Keller commented that what the County has seen in other cases is that where residential is envisioned in being more lenient for home occupations, an HOA will come along and preclude them – so there is another mechanism working against the idealized future model. He asked if this commercial area would not have anything comparable to that.

Mr. Shimp responded that it is its own separate parcel and the developer/builder plans to own and maintain it – so it is its own space to be dealt with as zoning allows and would not be tied to an HOA vote.

Mr. Keller closed the public hearing.

Ms. More asked Ms. Spain to talk about the Pantops CAC meeting, as the last part of the staff report indicates that concerns about density at higher levels than recommended in the Pantops Master Plan were not raised at the meeting.

Ms. Spain asked Mr. Shimp to clarify the conversation that took place about this particular development.

Mr. Shimp responded that the applicant was there twice – with the first meeting discussing the initial application, which got a positive response from the CAC.

Ms. Spain commented that there were no objections from the CAC.

Ms. More stated that her hope when there is a plan that is not consistent with the master plan – and the CAC's job is to oversee the implementation of the master plan – of there is no information from them, she is expected to accept that as a show of support. She commented that she would prefer to see an explanation as to why the CAC felt it was an appropriate change since it is outside of the guidelines of the master plan.

Ms. Spain asked if Diane Caden, chair of the Pantops CAC, could send meeting notes to incorporate into the staff report.

Ms. Ragsdale responded that Ms. Echols had summarized both of those meetings in the staff report, and going forward minutes from the meetings could be provided from those CAC meetings when there is something that is a little beyond the density of what is in the master plan.

Ms. Spain said she thinks part of the reaction at the time was the fact that Cascadia was opening a huge number of units, and along with all the other development going on at Pantops, this extra 20 units was not seen as having a significant impact on the area.

Mr. Keller asked if there were any other comments and asked if anyone was ready to make a motion.

Mr. Dotson noted he had a further comment, stating that it would be useful, assuming this goes forward to the Board, to clarify the reference to the land use plan. He noted that the master plan was adopted in 2008 and was incorporated into the new Comp Plan in 2015 – but without any further examination. Mr. Dotson stated that he assumed the statement in question refers to the fact that prior to the 2008 master plan; it was shown as urban density and was then intentionally lowered in the master plan. He pointed out that up to now, they have been relying on density as the measure of intensity, but there are substitution possibilities by putting in more housing and less commercial still achieving the same scale or intensity of development. Mr. Dotson said that it made a lot of sense, but he hoped they could study that and come up with a satisfactory equivalency. He noted that with this application, they are being asked to add the possibility of up to 20 more residential units and the possibility of reducing the commercial from what it was to 8,000 – and he can't assess at this point whether they are equivalents. Mr. Dotson commented that if they were leaning towards approving it, the logic would be that it is not intensifying the development, it is reshaping the development – and that would be a good topic to talk about in the future.

Ms. More agreed, but she also said that while making that change is not necessarily changing the scale of the project, she would be more agreeable to projects where people want to move elements around. She explained that there would still be a certain amount of residential and commercial, but the developer may want to have some flexibility in where they put those things within the development. Ms. More stated that she does not support this particular proposal because it is not consistent with the recommendations for residential density in the Pantops Master Plan, and that is her perspective as they go forward.

There being no further discussion, Mr. Keller asked for a motion.

Ms. Spain recommended approval of ZMA-2016-19 with the technical changes recommended by staff. Ms. Firehock seconded the motion.

Mr. Keller invited further comment.

Ms. Firehock stated that she tries to strictly adhere to the latest master plan, but in this particular case – just looking at the particular uses that they are proposing and the fact that it is a half-mile walk to a very intensely developed commercial area – she feels that there are ample commercial uses with this still creating a walkable neighborhood environment. She stated that she is less concerned with the reduction of commercial in this particular instance, but in general, she would be more in line with using the master plan as the rulebook.

Ms. More agreed, but said she was not convinced by the argument with the low end at 16,000 that it cannot be accommodated to create things that are very accessible to this community while still having walkability to a much greater area of commercial.

The motion passed by a vote of 6:1, with Ms. More voting against.

Mr. Keller thanked the applicant.

Mr. Andrew Gast-Bray asked to take an opportunity to help educate the Commission and the public, as this is part of the dialogue, and stated that the nature of form-based code deals less with density and more with form of building – and building in "flex" space is much more integral to the process to react to what is really needed at the time. Mr. Gast-Bray said that frequently when a place is growing, residential uses fills up first, and it takes time before a developer can get an amount of residential necessary to support the commercial uses. He stated that this changes over time, and it is important to understand it and allow for some flexibility. Mr. Gast-Bray pointed out that they would be studying this in the case of a pilot test with Rio/29, and he hoped that through that process, they would explore the matter and have better answers going forward.

Ms. Riley reiterated Mr. Dotson's point and said she was excited about the possibility of the flexibility, but it was important for them to have a much better understanding of how they are evaluating the impacts in terms of the changing possible uses in these flexible situations.

Mr. Keller stated that the terminology needed to be used consistently, in light of multiple people preparing the staff reports, because as Mr. Dotson indicated in the start of this discussion, that was one of the areas of confusion.

The meeting moved to the next agenda item.

4c. ZMA-2016-00016 Woolen Mills
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 078000000021B0
LOCATION: This property is located at the terminus of East Market Street and Broadway Street. It borders Moores Creek where it joins the Rivanna River. This is the location of the historic Woolen Mills factory.
PROPOSAL: Request to rezone the property from LI, Light Industry to C1, Commercial. The intended uses of the existing buildings include residential development (See Special Use Permit), office space and restaurant space. Other by-right commercial uses would also be permitted. A new building intended for industrial use is also proposed.

PETITION: ZMA201600016 Woolen Mills - Rezoning for 10.4 acres from LI, Light Industry with allows industrial and office uses to C1, Commercial which allows retail sales and service uses and residential by special use permit (15 units/acre).
OVERLAY DISTRICTS: Flood Hazard, Steep Slopes, Airport Impact Area, Entrance Corridor
PROFFERS: Yes
COMPREHENSIVE PLAN: Community Mixed Use - Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses. Parks and Green Systems - (parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams)
(Bill Fritz)

AND

4d. ZMA-2016-00021 Woolen Mills
PROPOSAL: Rezoning 1.54 acres of Steep Slopes Overlay District, Preserved Slopes to Steep Slopes Overlay District, Managed Slopes. The Steep Slopes Overlay District is an Overlay District to protect steep slopes. (Bill Fritz)

AND

4c. SP-2016-00027 Woolen Mills
PROPOSAL: Special use permit in the C1, Commercial to allow residential development. R-15 Residential under Section 22.2.2(6) of the Zoning Ordinance. Residential use will consist of 94 multi-family units on 10.4 acres for a total density of 9 units per acre. (Bill Fritz)

AND

4d. SP-2016-00028 Woolen Mills
PROPOSAL: Special use permit under Section 30.3.11 of the Zoning Ordinance to allow engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control. The Flood Hazard is an overlay to provide safety and protection from flooding. (Bill Fritz)

Mr. Bill Fritz stated that he would provide an overview of the findings and the project particulars, and asked Commissioners to stop him if they had questions.

Mr. Keller noted that the Commission would need to dissect the items prior to voting on them.

Mr. Fritz confirmed that they would need to take four separate actions.

Mr. Keller said they may be asking for clarification points as they proceed.

Mr. Fritz referenced a photo of the property and pointed out the white-roofed or “sawtooth” buildings, and noted the location of the large building onsite and the Rivanna Water and Sewer Authority’s composting building and sewage treatment plant to the west. He stated that there is industrial and office use located to the northwest, as well as residential to the north and northeast. Mr. Fritz noted the location of the Rivanna River and Moores Creek, which is located close to the existing buildings. He mentioned that the applicant’s property and those around it are zoned Light Industry, and to the north in the County and the City, the property is zoned for residential

development. Mr. Fritz pointed out the sawtooth and factory buildings, as well as parks and open space as shown in the comprehensive plan and community mixed use. He noted the location of neighborhood density and industrial zoning.

Mr. Fritz presented a photo showing the sawtooth building in the foreground and a large factory in the background, stating that the photo was taken from the western side of the property. He said that the buildings include the water tower and other outbuildings, which are historic and contribute to the overall character of the property – with some to be renovated, following the Department of Historic Resources guidelines. Mr. Fritz noted that the applicant has proffered to follow these guidelines and will be using historic tax credits, which means that DHR will also be involved in monitoring the renovation process. He presented a photo taken from the east side of the building, from the parking lot accessed at the end of East Market Street, noting the location of the four-story factory building in the background and loading and entrance courtyard area in the foreground. He pointed out the location of a small building near the parking lot that showed signs of needing restoration and maintenance, stating that restoration of site before deterioration begins is important to ensure that the restoration does not become uneconomical.

Mr. Fritz reported that the site is located at the end of East Market Street and at the end of Broadway Street, and the only vehicle connection between East Broadway Street is Franklin Street. He said that there are two travelways that connect Broadway and East Market, and the connection on the Woolen Mills property will provide emergency access and pedestrian links – but will not provide vehicular connections between the two streets, due to the narrow area between the buildings and Moores Creek. Mr. Fritz noted that the other connection is closed due to an at-grade railroad crossing. He stated that the applicant has submitted a proffer to address the City's request for lane markings on City streets, and this project is a bit unique in that it is only accessed from the City. Mr. Fritz said that opportunities providing additional pedestrian access are limited due to existing road conditions on East Market Street and Broadway, and the applicant is proffering to provide area for the continuation of the Rivanna River Trail across the property – including area for a bridge across Moores Creek.

Mr. Fritz pointed out the area of preserved slopes preserved to be modified to managed slopes, and said that the only preserved character they have is that they are large contiguous areas. He said that a field inspection revealed that the slopes are not natural, and large areas of unconsolidated stone are evident, including some areas of erosion. Mr. Fritz stated that if these slopes had been field verified at the time of the adoption of the steep slopes ordinance, staff would have recommended them for managed designation. He reported that the applicant conducted a detailed study of the Rivanna River, which has been accepted by the Army Corps of Engineers, and he referenced a map showing the floodplain location as determined by that study. He said that the applicant is proposing to construct flood control walls that will protect the existing buildings from flooding – most importantly, basements and foundations.

Mr. Fritz referenced images showing the path as mentioned earlier, and he pointed out the location of Moores Creek and the existing factory building. He noted the existing connection between East Market and Broadway, stating that no opportunity for widening of the connection was possible. Mr. Fritz said that this prevented it from being used for vehicular traffic, but it would be used as a pedestrian area. He noted the location of the floodplain area, stating that the

applicant proposes to flood proof the existing sawtooth buildings, and pointed out in an artist's rendition how the courtyard between the buildings will be enclosed by a floodwall. Mr. Fritz said that the artist's rendition also shows one way the history of the site and area may be placed in publicly accessible areas, which is a proffer the applicant has made. He noted the location of the main factory building, stating that the openings below the first floor will be sealed.

Mr. Fritz summarized his presentation and stated that the application is consistent with the comprehensive plan and allows for the adaptive reuse of a historic resource, and the activity permitted by approval of the various applications will not result in overall impacts greater than what would occur with the current industrial zoning of the property. He stated that this includes the establishment of flood control, which will help to protect and maintain the existing buildings. Mr. Fritz said that based on their findings, staff recommends approval of all four applications, and he offered to answer questions.

Ms. Riley stated that she attended the community meeting and CAC discussion on this, and there is general enthusiasm and support for this project – but there were concerns expressed regarding Market Street and the parking there. She asked for additional explanation of the applicant's intent.

Mr. Fritz responded that East Market Street is very narrow, with no opportunities for widening or improvement, and at its narrowest point it was hemmed in either by floodplain, railroad, existing buildings – which are also historic, and a cliff that is holding up the railroad. He stated that the property is unusual for most of the rezonings, which usually have raw ground with limited development potential, whereas this site has 120,000 square feet of buildings on the property. He noted that the property is zoned industrial with no proffers and can be used for industrial or office uses. Mr. Fritz stated that there has been a level of traffic on East Market Street already, and the residents are concerned about changing traffic patterns and the potential for increased traffic – and to address that, the applicant has limited access to the East Market side by limiting the available parking in that area, with only 28 parking spaces available. He emphasized that there is no room to do any more, nor is there a way to interconnect the East Market side with the Broadway side, so traffic would not be coming down that road and back up Franklin, or vice versa. Mr. Fritz stated that the main access to the property is through Broadway, and that is where the main parking areas will be, and that is how the traffic has been resolved. He said that this is a change in the traffic pattern that would occur from a potentially truck-dominated industrial use to a car-dominated traffic pattern.

Ms. Spain said that she and many others attended the meeting where this was discussed with City representatives and the developer, and asked if anything had developed since then that was significantly different from what was heard that day.

Mr. Fritz responded that nothing had changed, and this request has been consistent from the time it was originally applied for – and the only thing that has happened is the provision of more information from DHR. He said that the applicant has gone through the phase one application process to renovate the property and maintain its historic character, and has done more work with the fire and rescue division to ensure that adequate fire protection be provided. Mr. Fritz stated that staff has gone into the field and looked at the slopes in detail, which they had not done

before, and the Army Corps of Engineers had formally adopted the floodplain study, as the appeal period has lapsed. He reiterated that the nature of the request had not changed.

Ms. Spain asked Mr. Fritz about the role of the City in this.

Mr. Fritz responded that staff talked with the City, and their comments were limited to transportation. He said that they met with their transportation engineer, Duncan Brennan, to discuss how to mitigate the impact in the City. Mr. Fritz said that the applicant has proffered $10,000 to the City for re-striping the road, and those were the only improvements the City identified. He stated that it was really changing some turn lanes in the City on Meade and Carlton, and he confirmed that this request does no go before the City – as they are just another adjacent property owner.

Mr. Dotson said that in looking at the letter from the City regarding transportation, the second item in that correspondence addresses minimum widths – as the road is down to 12 feet at certain points after entering in the County, and less than 20 at other points. He asked how that concern had been addressed.

Mr. Fritz responded that the concern was addressed by acknowledging that there is no way to address the existing road conditions and agreeing there was nothing to be done. He said that when the City provided comments, they did not take into account that there is an existing 120,000 SF building there that is generating traffic that cannot be regulated. Mr. Fritz said that as part of the rezoning request, they are trying to balance the impacts of the new zoning versus the old, and while the traffic could be more, it would be of a different character – and this was discussed specifically with the City. He reiterated that there is no answer to it.

Mr. Dotson said that in comparing new to old zoning, the old zoning had no impact because of the building vacancy – and even when it was used for moving and storage, that is a very different and low impact kind of activity. He stated that it was a bit misleading to compare commercial zoning and restaurant uses to the prior use, and comparing it to what it could be under light industry when nobody wants LI is a little confusing.

Mr. Fritz responded that they were aware of that, but with the change in industrial regulations, because it is a preexisting building, it could be used as office and could be renovated using historic tax credits – with supporting commercial uses. He agreed that the more modern usage has been relatively limited compared with the overall capacity for the property.

Mr. Keller said that in the public meeting he attended, there was a lot of discussion about the impact of moving vans on the neighborhood historically, because of the size of the street and the times the vehicles chose to move through it.

Mr. Keller opened the public portion of the meeting for the ZMA and request to rezone the property from LI to CI-commercial.

Brian Roy, developer and manager of Woolen Mills, LLC, addressed the Commission and introduced his attorney, Pete Caramanis, and his civil engineer, Greg Kotarski from the Timmons Group.

Mr. Roy reported that he was last before them on the redevelopment project for Woolen Mills at the joint City/County Planning Commission meeting in October 2016, and said that since that time, FEMA had issued a final letter of map revision that adjusted the floodplain down approximately five feet – so it allows for the rezoning request and also allows for the development to move forward. Mr. Roy said that in December, he received part one approval from DHR that the project can be historically preserved and does qualify for state and federal historic tax credits. He stated that he has been invited to proceed with the part two application, which he is pursuing with his architect, Maynard Ball, and they are getting down to the specifics of what is and isn't allowed under the tax credit program.

Mr. Roy said that based on comments coming out of the October joint meeting and the Woolen Mills neighborhood meeting earlier that month, he completed and submitted a traffic study done by a third-party consulting firm, and a follow-up parking study to confirm there were no unanticipated or adverse impacts on the redevelopment on the surrounding area. He stated that he feels he has listened to the input from those meetings, as well as from the many stakeholders who have given him suggestions. Mr. Roy noted that the plan before them has been very favorably received, and by the overwhelming majority of the community members in the City and County, as well as those planning staffs. He thanked Mr. Fritz for helping him navigate the process, adding that the collaboration to this point has resulted in a better overall plan for the site – including the proffers that have allowed for increased connectivity to the Rivanna Trail through the site and improvements to City roads in the neighborhood, and ensuring the responsible historic redevelopment of the property.

Mr. Roy stated that the process had been underway for more than two years, when he saw the site and was shocked that such an amazing property existed in the County at the edge of the City. He said that he was further compelled upon learning about the historical value the property had to the City's development, and the role it played in supporting the military and conflicts dating back to the Civil War – sitting on the area's greatest amenity, the Rivanna River. Mr. Roy presented some photos of the site, noting that there have been some significant challenges along the way: dealing with FEMA, navigating the relationship between the City and the County, and access through a tranquil neighborhood, among other challenges. He stated that he feels strongly that this is a thoughtful development that will blend well with the area and offer an attractive destination for individuals wanting to live and work in and near downtown, but also to take advantage of the serene, peaceful setting that exists at the confluence of Rivanna and Moores Creek. Mr. Roy said that this is a unique opportunity for visitors to experience the connection to the Rivanna Trail and learn more about the historical significance of this industrial site. He offered to answer questions.

Mr. Dotson said that the letter from City transportation officials suggested that with the restaurant, many people would come to the small lot, find it full, and then go up to Franklin Street and come around – which would generate additional traffic. He said that the City

suggested making the smaller lot for employees only, and asked Mr. Roy if he had thoughts on that proposal.

Mr. Roy responded that it would be a possibility, although he was nervous to restrict access to a business that does not yet exist and he was trying to attract to that site. He stated that with a lot of specialty restaurants, as evident with Belmont, people learn where they need to park – and the majority of parking on the site is on the high side off of Broadway and Franklin. He said that he hoped that would become the norm, but it is an option to limit who is able to park in the lower parking lot, and most likely it would be preferred residential parking, employee parking, handicapped parking, etc., and it is not meant to be the main parking area for the restaurant.

Ms. More asked if there would be dedicated parking for the residents within the structure.

Mr. Roy responded that there is meant to be dedicated parking for the residents on the high side of the property, and he did not know if it would be individualized. He added that there is not a lot of opportunity to have flexible parking, as it is limited as it is, and there would likely be incentives for residents who don't have cars – with Zip cars, Uber, etc. to make it more attractive to have less intensive parking.

Ms. Firehock stated that at the joint meeting, she had asked him if there would be any work done to try to use low impact development, permeable pavement, etc. if the property is located up above the floodplain. She said that this is an impact, and asked if there were any efforts to minimize the impacts of the additional pavement on the Rivanna River watershed and along Moores Creek – which is impaired.

Mr. Roy responded that the parking is still a work in progress, and the number of parking spaces the County would require for a site like this is well over 300, which is physically impossible to fit on this site. He said that how the parking is put on the high side of the property so the building is entered at grade on the third floor, and how the parking will work for commercial businesses in the adjacent sawtooth buildings, will need more refinement. Mr. Roy stated that they are next to Moore's Creek and do not want to continue to add problems to it, but that is open for discussion and how they address this would be resolved with the County as they move forward.

Ms. Firehock stated that hopefully a lot of pedestrians will access the site, as it is in a great location, along with smart cars and bicycles – and she hoped they would be as creative as possible with transportation, with improved City/County cooperation on regional transportation and perhaps additional bus routes. She commented that the property is a gem and she is excited that it is being developed, as it takes a lot of guts to take this property on.

Mr. Keller asked Mr. Roy if the elevator is a movement option to the restaurant area from the upper to the lower restaurant area.

Mr. Roy confirmed that it was, stating that he did not have the interior layout of the site plan with him.

Mr. Keller said that one of the arguments with the parking was the distance from people in the upper areas to move to the restaurant on the lower level.

Mr. Fritz pointed out the location of East Market Street coming down to the railroad bridge and the 28-space parking lot, as well as the big factory building and the area considered for the restaurant. He explained that the main access to the property is coming down Broadway, with access available through the sawtooth building and the upper building.

Mr. Kotarski said that there is an existing connection that would be enhanced as the main access point to the four-story building, so you would enter the building on the third floor, immediately come into a lobby area with an elevator, take the elevator down to the first floor, and as you would get off the first floor you would be entering into that connection where the restaurant would be – which is a separate connection. He stated that the walking distance from the parking area to the restaurant is not that great.

Mr. Fritz noted that he and other staff had walked it, and it was a logical route as you go through the building.

Mr. Keller said that in some ways, they have made an argument now for concerns from traffic at the lower level, because it is not a significant distance for those parking in the larger parking area – and the smaller parking lot and impact on Market Street would be discussed later. He asked if there were members of the public who wished to speak on this particular portion.

Mr. Roy commented that this approval is really all or none, as anything not approved effectively kills the project.

Mr. Travis Pietila from the Southern Environmental Law Center addressed the Commission and thanked them for the opportunity to comment. He stated that it was encouraging to see a proposal that reuses these historic buildings and reconnect the community with the Woolen Mills site for the first time in many years. Mr. Pietila said that the SELC also appreciates Mr. Roy taking the time to meet with them on several occasions to walk them through his concept and provide a chance to give feedback. He stated that the site is an important one when it comes to water quality, and is right at the confluence of Moores Creek and the Rivanna River – both of which are impaired due to excessive stormwater runoff. Mr. Pietila said that the redevelopment of this site needed to place a priority on minimizing further stormwater impacts, both during and after construction. He stated that at this time, there are a number of issues that remain in flux with the configuration of the project – such as the fact that the plan attached to the staff report was not being proffered, so the features shown were still conceptual. Mr. Pietila said that it made it difficult to offer much in the way of specific recommendations, but as a general matter, it is important that the site goes the extra mile in protecting water quality, particularly since critical slopes were also at issue.

Mr. Pietila stated that SELC staff would like to offer several ideas of things that could be added to the proffers to help address water quality impacts that are specifically attributable to the project. He said that for the construction phase, it was important to minimize the amount of sediment that gets washed from the site into adjacent waterways, and one way this has been

handled in other rezonings in the County that can impact sensitive waters is to proffer the erosion and sediment controls can achieve a sediment removal rate of 80%, which is above the 60% typically achieved by basic regulatory measures. He stated that another technique would be to install additional protections where disturbances will be closest to Moores Creek, similar to what was offered in the Brookhill rezoning. Mr. Pietila said that post construction, the SELC would ask to consider ways that most or all of the stormwater runoff from the site would continue to be captured and treated onsite before it can enter Moores Creek.

Mr. Pietila said that redevelopment and historic preservation are important goals, and this project is a great opportunity for both – but on a sensitive site like this, water quality deserves special attention. He stated that the SELC urges the County to ensure that enforceable water quality protections that go above and beyond the regulatory minimum are incorporated into the project.

There being no further public comment, Mr. Keller said they would now move onto the discussion of the steep slopes overlay district.

There were no public comments on the overlay district.

Mr. Keller said they would now move onto the special use permit in C-1 Commercial to allow residential development.

There were no public comments on the special use permit.

Mr. Keller said they would now move onto the zoning ordinance modification to allow engineered structures.

There were no public comments on the modification.

Mr. Keller invited Mr. Roy to speak again on the application.

Mr. Dotson stated that the plan has great appeal as a mixed use project, and they are thrilled to have the site come into active use – but they are thinking of it as a mixed-use project, and at least 45% of the space would be job-generating, the special use permit allows for up to 94 dwelling units, and the concept plan is not proffered. He stated that there are no guarantees in the proffers of a mixed-use project and no minimum or maximum range as with the Riverside project, which seems completely open ended.

Mr. Roy stated that two years ago, when he brought this project to the Board of Supervisors, there was a feeling from staff at the time that they wanted the property to remain 100% light industrial – with no residential – as they felt there was a demand for it in this area. He said that through numerous meetings with staff including Susan Stimart and Elaine Echols, he would have preferred more residential as he felt this was a good location for it and he is not convinced there is a market for light industrial in this area. Mr. Roy stated that he feels there is potential for office and other work generators such as home-based businesses and younger professionals who want to be in this area and would like to be in the setting the old mill style of the building will provide. He said that the percentage was derived from a number of meetings with County staff,

and they all felt that it allowed flexibility to make sure the building was preserved. Mr. Roy stated that staff would prefer 100% commercial, but residential is definitely limited to 55%.

Mr. Fritz pointed out that the proffer language comes almost directly from the comprehensive plan, and while there is no requirement for residential use, using more than 45% of the property and getting to 70% or 80% – without going to some type of structured parking, this would not be approved. He stated that the parking generation for commercial is so much higher than it is for residential, so unless the applicant wants to leave significant portions of the building unused, staff feels the parking issue is resolved.

Ms. More asked Mr. Roy to speak to water quality protections, particularly during construction.

Mr. Roy responded that part of that is a bit premature given where they are, and he did not even know that the floodplain could be reduced to allow for development until February, and the intention is to turn the building so the front yard is the water, and damaging that in any way runs contrary to the whole preservation component of the project. He stated that he does not yet have specifics on what the parking will look like, or even the total number of parking spaces – and while he did have a waiver request in to the County, he has not received comment yet.

Mr. Fritz noted that the property has to go through a site plan review process, and water quality is part of that review.

Ms. More said that hopefully a commitment to the highest level – if not above and beyond – would happen at the later stages.

Ms. Firehock said that they are not here to ask for proffers, as that is not legal, but she and Commissioner Spain would like to see more of the project as it unfolds and have more engagement in seeing how the applicant will address stormwater – as there are many opportunities on that site. She stated that she has worked on numerous historic building renovations and there are numerous ways to catch stormwater and not release it where it can cause damage.

Mr. Roy responded that this was a fair request, and he has met with every interested party over the past two years, and the project will continue to evolve. He stated that a lot of the site development would be is somewhat unclear to affirm significance is because a lot of that is dependent on DHR. They do get to comment on particularly the floodwall, the parking and any new structures that would exist on the site. So we are in that process, but we do not have the answers yet and probably will not for a few more months.

Ms. Firehock said that once she understood what the building envelopes are and where things will be placed, she would like to sit down with him and Timmons and hear more about what they are proposing. She emphasized that there is no disrespect to staff, but this is such an important site in such a critical location on an impaired water and there is no such thing as no-impact development. Ms. Firehock noted that they are adding more imperviousness, and the site is already is impactful. She said that she would like to see a development that the end of it would actually be having less impact than the site currently does right now, which she feels is possible.

Ms. Firehock said that they could not address these questions at this meeting, but just want to have the opportunity to do that in an informal setting so that thinks are not set in stone.

Mr. Roy replied that this is acceptable to him.

Mr. Keller asked if there were other questions before he closed the public hearing.

Mr. Phil Emery addressed the Commission and said he is a resident of East Market Street and was commenting on Mr. Roy's various applications and supports the change from LI to C1, changing the preserved sloped to managed slopes, and the other uses that he is calling for there. Mr. Emery stated that the people in Woolen Mills have been talking to Mr. Roy since July 2014 when he first approached neighbors about his intentions for this site. He said that sometimes community engagement feels like it is just like a box that a developer is checking off, but with Mr. Roy's quality of character and quality of his conversation with the neighborhood show that he is not a push over and sometimes says no, but listens and responds. Mr. Emery said that Woolen Mill historically swapped property with Monticello, and people have lived in this area for thousands of years – with a Monacan Village site just upstream on Moores Creek. He stated that for 100 years, the Woolen Mills site became industrial because of the water power and topography, and now people are moving back in. Mr. Emery stated that residential is a much more suitable use for this use than big box metal industrial, and he hoped the County would look at the land use plan in the decades to come and begin to think whether industrial development of this kind can only be reached through residential neighborhoods. Mr. Emery noted that there were 400 people working at the Woolen Mills at the height of its capacity, and the parking there was less than currently exists – with one of the parking lots formerly a five-story industrial building. He added that if they could do it 50 years ago, they should be able to do it now with less parking.

Mr. Keller invited additional comments from Mr. Roy. There being none, Mr. Keller closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Ms. Riley moved to recommend approval of ZMA-2016-16 Woolen Mills with acceptance of the proffers offered by the applicant.

Ms. More seconded the motion.

Mr. Keller invited discussion. He pointed out that the ZMA touches on the residential percentage, and there has been quite an interest from an economic development standpoint in the County to continue to have an industrial component. Mr. Keller stated that the applicant has assured them that there is that variability, which can be concerning because of the latitude it affords, but also provides a degree of flexibility for a thoughtful developer. He emphasized that it needed to be restated for the record because they have been hearing it from many. Mr. Keller asked if they were ready to take a vote.

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

Mr. Keller said the ZMA-2016-16 carries and they would now proceed to the motion related to the rezoning.

Ms. Riley moved to recommend approval of ZMA-2016-21 Woolen Mills.

Ms. Spain seconded the motion.

Mr. Blair asked for clarification on ZMA-2016-21 Woolen Mills.

Mr. Fritz pointed out that ZMA-2016-21 Woolen Mills was the rezoning for the change from preserved slopes to managed slopes.

Mr. Keller corrected is previous comment and said that this pertains to slopes, not the rezoning. He invited discussion and noted that he did wish to revisit the slopes issue, adding that he and Mr. Fritz have spoken about this but do not believe that it affects this particular property. Mr. Keller called for a vote.

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

Mr. Keller noted that ZMA-2016-21 Woolen Mills carries.

Mr. Keller noted the next request was SP-2016-27, the special use permit in C-1 Commercial to allow residential development.

Ms. Riley moved to recommend approval of SP-2016-27 Woolen Mills with the conditions outlined in the staff report.

Mr. Lafferty seconded the motion.

Mr. Keller invited discussion. There being none, he asked for a roll call.

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

Mr. Keller noted that SP-2016-27 Woolen Mills carries.

Mr. Keller stated that the fourth request that is special use permit SP-2016-28 under Section 30.3.11 of the Zoning Ordinance to allow engineered structures.

Mr. Riley moved to recommend approval of SP-2016-28 Woolen Mills with the conditions outlined in the staff report.

Mr. Lafferty seconded the motion.

Mr. Keller invited discussion. There being none, he asked for a roll call.

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

Mr. Keller noted that SP-2016-27 Woolen Mills carries and congratulated the applicant and the community for this great potential project, stating that it would be moving onto the Board of Supervisors with unanimous support in each of the four areas.

Committee Reports

Mr. Keller invited committee reports.

Ms. Spain reported that the previous evening, she had attended the Places29 North meeting on the Neighborhood Funding Initiative, which they had we tried to get maximum publicity on – but only four people attended the meeting in addition to the regular committee members, and three of those were Boy Scouts working on their civics merit badge. Ms. Spain said that the kids had the best ideas and contributed to the meeting, with Blaine Alblanap in attendance to record the suggestions, which would be fed into the next reiteration of the process.

Ms. More reported that the ACE Committee met this month and started the process of beginning to discuss the ranking criteria for properties that apply for the program for consideration, which is an ongoing discussion. She stated that County Natural Resource Manager David Hannah was present and shared some of his thoughts, offering suggestions as to how the committee could interface with him and support the work he does.

Ms. More reported the Crozet Community Advisory Committee meeting was very similar to Commissioner Spain's report about the Neighborhood Funding Initiative. She stated that there had been a good turnout of residents, some of whom thought the entire pot of money was available for that community – and some suggestions were made prior to the realization that it wasn't. Ms. More added that they would be reviewing some things that were submitted online, and final decisions would be made after they meet in April.

Ms. More reported that the Crozet Board of Trade had met the previous evening with Jack Kelsey and Trevor Henry of County staff, who presented some concepts for the way that The Square in Crozet would be redesigned. She noted that it is a core part of the Crozet business district, with many historic buildings and some very longstanding businesses – and it is a very complex piece of property that the County owns and CSX has easements through. Ms. More stated that there are a lot of intricacies in figuring out how to do this, but it is a need that must be addressed – and staff came to give business owners to have a firsthand look at some concepts. Ms. More noted that she thinks this is a very helpful way to engage those business owners that are nervous about what that might look like.

Mr. Lafferty said that he did not go to CTAC or the Hydraulic Road Small Area Plan groups, but he would get an update for the Commission.

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

Review of the Board of Supervisors Meeting – March 8, 2017

Mr. Gast-Bray reported that Mark Graham had presented to the Board on what had been clarified before as CDD priorities and talked about the nature and expectations behind the establishing of priorities and address them. Mr. Gast-Bray stated that one of the things Mr. Graham tried to clarify was the time constraints of a priority and what "as quickly as it can" means in terms of actual time – which varies. He said that for certain things, it seems they could quickly revisit the zoning language; but, if it is very controversial, it is going to take longer. Mr. Gast-Bray said that Mr. Graham gave the example of making drive-throughs by right as something that was generally uncontroversial and that went through the process in a matter of a couple of months; whereas the process for farm breweries and wineries went through smoothly in the end, but required a lot of public process and took more like a year – even though the text change itself was not particularly complex. He said that it was more of a "managing of expectations" with how these things are handled and it takes staff discretion and understanding of the process to figure out how to address these priorities. Mr. Gast-Bray said that he felt it was generally well received by the Board of Supervisors.

Mr. Keller invited questions.

Mr. Gast-Bray said the other piece was the Ivy Creek Natural Area, which was not dealt with then; but SP-2015-00024 Field School of Charlottesville was unanimously approved.

Old Business

Mr. Keller invited old business.

Mr. Gast-Bray stated that the Commission had asked about business cards and identification, and the budget is approved for Commissioners to have an ID card very similar to the card staff has – and while it won't necessarily allow them access, it will have their pictures and designation as Planning Commission members with the County of Albemarle, for use at event attendance.

Mr. Gast-Bray stated that there is also an option for Commissioners to have a Planning Commission email address @ albemarle.org, with a phone number so that they would not have to give their personal information unless they so choose.

Ms. Firehock questioned why it could not say kfirehock@albemarle.org, which is her County email.

Mr. Gast-Bray said that given the nature of printing, timeframe, and how people change, it was felt that it was better to have a generic one that can be specialized with their information if they choose to write it on the card. He stated that it made it simpler to just have a Planning Commissioner business card, and if they revisit that it raises a couple of issues – as it gets hard to manage if people step down.

Ms. Firehock responded that she just had a conversation with a person in the hallway who had met her at a meeting but didn't understand that she was a Planning Commissioner, even though she had introduced herself that way. She said that others did not know she was a Commissioner and she told some elderly constituents to go to the website, which seemed much more

cumbersome than just handing people something. Ms. Firehock stated that she did not know it was a tremendous burden on the County, and she could get together the $30 for her own cards.

Mr. Gast-Bray responded that it is more of a management issue.

Ms. More commented that she did not see a big difference, as all of their private information including their home addresses was on the website. She said that she did not see the purpose if it did not have her cell phone and personal contract information on it. She stated that when she worked at social services, everyone had personalized cards and were handing them out like candy – and she found it hard to believe that this was a challenge for a group of seven individuals who serve four-year terms.

Mr. Gast-Bray stated that the issue is what they do when the cards are handed out and Commissioners leave and people still try to contact them.

Ms. More said that the same thing could be said of people who work for the County, and she asked if they turned over all the cards they handed out during their tenure.

Mr. Gast-Bray said that it doesn't have their personal information on it, and he thought he presented a solution that was expeditious and got them the information directly. He stated that if they want personal information on the card, he could go back and do a legal review with personal information.

Ms. More said that if she had these cards, she would end up writing her actual contact information to give to people, because they are trying to be accessible to people at meetings.

Ms. Firehock stated that the goal is to make it easier for people, especially those who don't use the web. She said that a lot of people in her district are elderly and would not remember all of that information, and pointed out that her home address is on the internet anyway – so they could use the County's address on the cards. Ms. Firehock stated that she maintains her cell phone for this purpose, and she would rather have no cards at all or provide cards that actually are useful to the purpose at hand.

Mr. Gast-Bray said that the idea was for them to have a number for people to call in that Commissioners could call in and access, as well as getting access to any emails.

Ms. Firehock said that as a matter of practicality, the best way to find her personally would be through her cell phone – and it likely wouldn't work for her to have to call into a number to get her messages. She emphasized that this is how you facilitate communication, and she wanted to know if there was just one number.

Mr. Gast-Bray explained that it would go to a general number in a common mailbox, and it would also come to their email.

Ms. Riley said that she would like to have an ID badge, and if they are going to do business cards, she would like to make them personalized so they can have direct contact with people.

Mr. Keller thanked Mr. Gast-Bray for the time he spent on this and said that if people want to come in and get a badge they can come in and get one. He stated that he still supports a personalized business card, but a generic one is fine and he can write personal information on it for the people he speaks with.

Mr. Keller noted that Mark Graham had brought up the Urban Land Institute and the group staff/public officials membership. He said that he had the opportunity to represent one of the Supervisors at a meeting in which the former mayor of Pittsburgh came to Charlottesville and spoke, and it would be very useful for this group and staff to have a group membership and opportunity because it is a place where designers, planners, developers and bankers all have an opportunity for a forum and discussion – which is very important to this body. Mr. Keller clarified that the County would have a group membership under which Commissioners could participate.

Mr. Gast-Bray stated that the Commission had wanted to participate with several different groups, and staff and the Board wanted them to participate: the School Board; the Rio/29 process; the Rio/Hydraulic process; and the residential work group. He said that he did not have a recommendation and thought the Commissioners would want to self-select their representation on those groups – and staff would like recommendations rather soon because some of them are starting to meet already.

Mr. Keller suggested to Commissioners that they send him their interests, and said that Ms. Firehock had indicated that some of the groups were obvious based on the districts they represent. He said that he has heard several citizen complaints that there are no designers represented in the Hydraulic Road group.

Mr. Dotson asked if the Rio Road group was for the small area plan.

Mr. Gast-Bray responded that it was the phase two of the Rio/29 process, and the Hydraulic group was actually led by VDOT, with the TJPDC organizing and managing that process so he did not have control over steering committees. He said that the Hydraulic group was embarking on the land use process, and there was a core group that was meeting for the VDOT piece – but they would like participation from a larger group. He confirmed that the group contained both city and county members.

Mr. Keller said that perhaps they could say that people who are representatives of those CACs or represent that district should be the point people.

Mr. Dotson confirmed that he was Rio, and Mr. Lafferty was Hydraulic.

Mr. Keller said that Rick Randolph had suggested representation on the School Board's long-range planning body, which would require them to make changes. He said that their committee bylaws is written differently, so they would need to go back to the drawing board and figure out how to do it – but they are definitely interested in the two meetings discussed, with an ongoing dialogue between the chairs and vice-chairs, and the possibility of one person would be the

liaison with them. Mr. Keller added that they also have some pieces related to the "future of schools" meeting, which would be presented in a concise manner by school administrative staff. He said that the demographic portion of the budget part would be presented to the Commission at that meeting, and a variant of Mr. Gast-Bray's piece on 29 North and the planning process would also be presented at that meeting. He said that something has also been added about the CACs, with at least a half hour at the end for discussion. Mr. Keller said that the big initiative is the School Board's intent to hire a consultant to evaluate the possibility of a large high school to the north or upgrading multiple high schools, and they would like the Commission to be involved with that. He stated that because it is a significant item, it could allow for institutionalized involvement in future planning between the two bodies, where students and land use come together. Mr. Keller said that the meeting was scheduled for April 11, and he did not know if there would be materials beforehand.

Mr. Dotson asked Mr. Keller if he was interested in continuing on the Fiscal Impact Advisory Committee (FIAC), pursuant to the residential work group.

Mr. Keller responded that he was, but they needed to hear from Mr. Fritz because there may be more than one position.

Mr. Fritz explained that the Residential Development Impact Work Group was created by the Board of Supervisors and in the charter has up to two Planning Commissioners to consider the changes in state law regarding proffers, the potential alignment of the land use plan with zoning through comprehensive rezoning, and the overall understanding of fiscal impact of residential development in general. He added that the group would then bring this information back to the Board – which is a bit different than what FIAC was before, and is essentially a next step.

Mr. Keller asked who, other than himself, was interested in serving on this group.

Ms. Firehock nominated Mr. Keller and Mr. Dotson to serve on the work group. Ms. Riley seconded the nomination, stating that the two of them do a terrific job.

Mr. Fritz stated that he would follow up with them via email.

Mr. Gast-Bray recognized Mr. Dotson for a five-year service award.

Ms. More reported that there was an event – "Building and Loving Where You Live" – at the Crozet Library the following evening at 6:30 p.m. as part of the Festival of the Book, sponsored by Charlottesville Tomorrow, the Crozet Community Association, and the Tom Tom Founders Festival.

Ms. Riley announced that the community meeting for 2511 Avinity Drive would also be held that night, at 7:00 p.m. at the Monticello Fire and Rescue Station.

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

New Business

Mr. Keller invited new business.

Mr. Fritz stated that the Commission had a special use permit for a farmer's market on their meeting agenda, and part of that was related to the current ordinance requirement that a plan meeting the requirements of the ordinance be submitted to the Site Review Committee and go through a formal review process, with information provided back to staff and then presented to the Commission. He said that staff feels there is a fairly straightforward zoning text amendment that would be similar to other approaches, whereby a plan meeting the needs as identified by the zoning administrator would be submitted in support of the application. Mr. Fritz noted that because each site was unique unto itself, if the zoning administrator felt an item needed a full-blown site plan, they could require it – but they could also say that it just needed a sketch plan where things like entrances, parking and setbacks were noted. He stated that this would provide flexibility and would be a much more efficient way of processing and still getting the information needed.

Mr. Fritz said that separate from that, if they are going to be looking at farmer's markets in that context, staff would also like to ascertain from the Commission and the Board whether there is interest in making farmer's markets a use by right. He stated that staff is not looking for a definitive answer at this point, but is seeking direction as to whether there is a benefit to investigating it.

Mr. Dotson asked for clarification that typically with a special use permit, an applicant submits a site plan and goes through the full review.

Mr. Fritz responded that it depends on the use and the particulars, and said that with The Towers, for example, there is no site plan submitted but there is a separate section that stipulates there needs to be certain information in the plan. He stated that over the years, wayside stands have had a concept plan that is of sufficient detail to address the concerns – and staff feels the same thing could be done with farmer's markets.

Mr. Dotson stated that in reading the staff report on farmer's markets, he recalled that a zoning clearance was required.

Mr. Fritz responded that the zoning clearance would still be required.

Mr. Dotson asked why there would still be a zoning clearance if an item had been through the special use permit process.

Mr. Fritz replied that this step is also where the business license is done and it is established that an applicant has met all conditions, so it serves as a checklist.

Mr. Dotson stated that right now an applicant would do the full site plan as well as the zoning clearance as well as a special use permit.

Mr. Fritz explained that farmer's markets are exempt from the site plan requirement under

Section 32: "Site plans are required whenever there is a change in use that occasions the need for additional parking or where there is a new entrance proposed or recommended by the Virginia Department of Transportation, except for agricultural uses." He stated that farmer's markets are considered an agricultural use, by their definition; therefore, even if there is a new entrance and they need parking, there is no site plan required – and the supplemental regulations for farmer's markets say that "A plan meeting the requirements of Section 32 will be submitted, of sufficient detail as determined by the Site Review Committee." Mr. Fritz said staff feels that going to the committee is a bit of overkill.

Mr. Dotson agreed.

Ms. Firehock asked if there would still be a community meeting if there is administrative approval or denial.

Mr. Fritz responded that those are the things to be explored, and there are two separate issues: the plan and how the content is determined; and whether or not the markets would be allowed by right. He stated that if they still wanted community meetings and evaluation of things like setbacks, they could just focus on the site plan aspects and focus on the by-right farmer's markets as a separate initiative.

Ms. Firehock commented that she is not comfortable saying they are by right, but they could make it a lot simpler. She said that the case they heard at this meeting was fortunate in that Justin Shimp volunteered his time – but that site was so straightforward that it did not require the plan he created. Ms. Firehock stated that she wanted to make it easier for the markets, but she also wanted there to be community meetings to address things like entrances or proximity to residences.

Mr. Fritz stated that staff would focus on the plan content and leave the special use permit process.

Mr. Keller said that in the context of that, they had the drive-through window discussion right around the time new Commissioners joined, and rural churches were also an issue. He stated that it would be nice to have a review of some of those, including cell towers, to talk about how rules at the state and federal level affect them locally. Mr. Keller noted that the issue is that members of the public feel they were left out of a discussion, and he agrees with Ms. Firehock and Ms. More in that regard. He said that they want to expedite the process when it is not going to be controversial, but when there is potential for controversy, public education comes from that discussion – and perhaps this is a topic for their next joint meeting with the Board of Supervisors.

Mr. Dotson said that he listened to the Board meeting when Mark Graham presented, and what struck him was that staff's plate was pretty full – and it would be nice to log the phone calls and questions at the desk regarding farmer's markets.

Mr. Fritz responded that staff uses that information to determine which items to focus on, such as steep slopes – which represented 60% of all special exceptions being reviewed.

Mr. Dotson commented that he did not have a basis for saying farmer's markets should move to the top of the list.

Mr. Fritz said that they could point to other sections of the ordinance from which staff can literally copy the language and pull it into another section, so it takes very little time and does have some benefit.

Mr. Keller added that it also aligns with where the state legislature is leaning with agricultural-related pieces.

Mr. Fritz reiterated that staff does focus on where it can sharpen the axe.

There being no further new business, Mr. Keller invited a motion for adjournment.

Adjournment

Mr. Lafferty moved for adjournment. Ms. Riley seconded the motion, which passed unanimously, 7:0.

With no further items, the meeting adjourned at 8:47 p.m. to the April 11, 2017 Planning Commission meeting at 6:00 p.m., in Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

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Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 7-11-2017
Initials: SCT