FINAL ACTIONS Planning Commission Meeting of March 21, 2017	
April 11, 2017	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. **Call to Order.** • Meeting called to order at 6:00 p.m., by Chair, Mr. Keller. All Commissioners were present. Also present were Margaret Maliszewski, Sharon Taylor, Bill Fritz, Scott Clark, Andrew Gast-Bray and John Blair.	
2. **Other Matters Not on the Agenda from the Public.** • There was none.	
3. **Consent Agenda** a. Rules of Procedure Change **APPROVED,** by a vote of 7:0, as shown in Attachment 1.	Clerk: Finalize Rules of Procedure Change as noted in the actions.
4a **Public Hearing Items** **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) • **RECOMMEND APPROVAL,** by a vote of 7:0, of SP-2017-00001 with	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

	the conditions outlined in the staff report as shown in Attachment 2.	
4b	**ZMA-2016-00019 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	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

	recreational uses in Neighborhood 3 – Pantops Development Area. POTENTIALLY IN MONTICELLO VIEWSHED: Yes (Rebecca Ragsdale) **RECOMMEND APPROVAL,** by a vote of 6:1 (More nay), ZMA-2016-19 with the technical changes recommended by staff as noted in Attachment 3.	
4.	**c. 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,	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions for ZMA-2016-16, ZMA-2016-21, SP-2016-27 and SP-2016-28.

floodplains and steep slopes adjacent to rivers and streams)
(Bill Fritz)

AND

d. <u>ZMA-2016-00021 Woolen Mills</u>
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

e. <u>SP-2016-00027 Woolen Mills</u>
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

f. <u>SP-2016-00028 Woolen Mills</u>
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)

RECOMMEND APPROVAL, by a vote of 7:0, of **ZMA-2016-16 Woolen Mills** with the acceptance of the proffers offered by the applicant.

RECOMMEND APPROVAL, by a vote of 7:0, of **ZMA-2016-21 Woolen Mills** to change preserved slopes to managed slopes with the acceptance of the proffers offered by the applicant.

	RECOMMEND APPROVAL, by a vote of 7:0, of **SP-2016-27 Woolen Mills** in the C1, Commercial to allow residential development.with the conditions outlined in the staff report. **RECOMMEND APPROVAL,** by a vote of 7:0, of **SP-2016-28 Woolen Mills** with the conditions outlined in the staff report.	
4.	**Committee Reports** The following committee report was given: **Commissioner Spain** reported the Places29 North Committee met on the Neighborhood Funding issue with suggestions to be put in the next reiteration of this whole process. **Commissioner More** reported: ACE Committee met and started the process for ranking criteria and David Hannah, Natural Resource Manager, offered ways we could interface with him and support the work he does. The Crozet Community Advisory Committee meeting was about the Neighborhood Funding Initiative. The Crozet Board of Trade met last night with Jack Kelsey and Trevor Henry presenting some concepts for The Square in Crozet redesign.	
5.	**Review of Board of Supervisors Meeting** – March 1, 2017. Mr. Gast-Bray reviewed the actions taken on March 1, 2017.	Clerk: No action required
9.	**Old Business.** • Discussed ID/business card request. • Request for Planning Commission representative for four committee meetings – School Board Long Range Planning Body, Rio 29 Plan. Hydraulic – Land Use Process and Steering Group, and Individual Residential Work Group.	**Next Steps**: • Staff to follow-up at later date. • Email interest in committees to Chair Keller. • Mr. Lafferty volunteered for Hydraulic and Mr. Dotson for Rio Committees.

• Commissioners Keller and Dotson were appointed to represent the Commission on the Residential Work Group. • Bruce Dotson was presented a five-year Service Award.	
10. **New Business.** Tim Keller announced: • No meeting on March 28, 2017. • Next Planning Commission Meeting on Tuesday, April 11, 2017.	
11. Adjourn to April 11, 2017 Planning Commission meeting at 6:00 p.m., in Room 241, COB McIntire. • The meeting adjourned at 8:47 p.m.	

/sct

Attachment 1 – Rules of Procedure Amendment – Planning Commission Adoption
Attachment 2 - SP-2017-00001. North Garden Farmers' Market – Planning Commission Recommendation
Attachment 3 – ZMA-2016-000019 Riverside Village Amendments – Planning Commission Recommendation
Attachment 4 – ZMA-2016-00016, ZMA-2016-21, SP-2016-28, & SP-2016-27 Woolen Mills – Planning Commission Recommendation

ATTACHMENT 1

Rules of Procedure Amendment - Planning Commission Adoption

ALBEMARLE COUNTY PLANNING COMMISSION
2017 RULES OF PROCEDURE

1. Officers

A. *Chair*. At its annual meeting, the Commission shall elect a Chair who, if present, shall preside at the meeting and at all other meetings during the year for which elected.

B. *Vice-Chair*. At its annual meeting, the Commission shall elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during the Chair's absence or disability.

C. *Secretary*. The Director of Planning shall serve the Commission as its Secretary. The duties of the Secretary shall include keeping and maintaining custody of the records of the Commission and such other duties as these rules may provide and the Commission may, from time to time, assign.

D. *Recording Secretary*. The Director of Planning, or the Director's designee, shall serve the Commission as its Recording Secretary. The duties of the Recording Secretary shall include keeping the minutes of the Commission's meetings, acting as the timekeeper, and such other duties as these rules may provide and the Commission may, from time to time, assign.

E. *Other Offices*. At any of its meetings, the Commission may create and fill any other offices as it deems necessary.

F. *Term of Office*. The Chair and Vice-Chair shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms.

G. *Absence of Chair and Vice-Chair*. If the Chair and Vice-Chair are absent from any meeting, a present member shall be chosen to act as Chair.

2. Meetings

A. *Annual Meeting*. The first meeting in January of each year shall be known as the annual meeting. At the annual meeting, the Commission shall establish the day, time, and place for regular meetings of the Commission for that year, and shall elect the Chair and vice-Chair.

B. *Regular Meetings*. The Commission shall meet in regular session at the time and place and on the day or days established for regular meetings. The Commission may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chair, or the Vice-Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Commission

members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. Additionally, if the Chair, or the Vice-Chair if the Chair is unable to act, determines, in consultation with the Director of Planning, that all scheduled public hearing items have been withdrawn or deferred at the request of the applicant, the Chair may cancel the scheduled meeting. This finding shall be communicated to the members of the Commission and to the press as promptly as possible.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Commission is complete.

C. *Special Meetings*. The Commission may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Commission finds necessary and convenient.

A special meeting shall be held when called by the Chair or requested by two or more members of the Commission upon written request made to the Secretary and shall specify the matters to be considered at the meeting. Upon receipt of the call or request, the Secretary, after consultation with the Chair, shall immediately notify each member of the Commission and the County Attorney. The notice shall be in writing and shall be mailed or delivered to the person or to their place of residence or business at least fourteen days prior to the special meeting. The notice shall state the time and place of the special meeting and shall specify the matters to be considered. The Commission shall not consider any matter not specified in the notice at the meeting unless all members are present. The notice may be waived if the time of the special meeting was fixed at a regular meeting, if all members are present at the special meeting, or if all members sign a waiver for the notice.

The Secretary shall notify the general news media of the time and place of such special meeting and the matters to be considered.

3. Order of Business

A. *Agenda Established by Secretary*. The agenda for each regular meeting shall be established by the Secretary in consultation with the Chair.

B. *Organization of the Agenda*. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chair and with the consensus of the other members of the Commission:

(1) Call to order and establish quorum.

(2) Other Matters Not Listed on the Agenda from the Public.
(3) Review of Board of Supervisors Meeting (when applicable).
(4) Consent Agenda (includes approval of minutes from previous meetings when applicable). (If there are no Consent Agenda items, then this portion of the Agenda shall be waived by the Chair.)
(5) Items Requesting Deferral (when applicable).

(6) Deferred Items (from previous meetings when applicable).
(7) Regular Items.
(8) Public Hearing Items.
(9) Work Sessions (when applicable).
(10) Committee Reports (when available)
(11) Old Business.
(12) New Business.
(13) Adjournment.

C. *Matters not on the Agenda*. Each regular meeting agenda shall include a period for matters not on the agenda. This period shall be limited to twenty (20) minutes. Each person speaking shall be allowed to speak for not more than three minutes; provided that, due to the number of speakers, the Chair, with the consensus of the Commission, may reduce the time each speaker is allowed to speak.

D. *Time Limits for Applicants and Other Speakers*. Each applicant shall be allowed to make a presentation not to exceed ten minutes, and a closing remark at the close of the hearing on the matter not to exceed five minutes. The Commission may permit the applicant to exceed the preceding time limits if the Commission determines that the proposed project's complexity requires additional time for the applicant to make an adequate presentation. Each other person speaking on a matter shall be allowed one appearance not to exceed three minutes. A speaker may not reserve any time for rebuttal or transfer any time to another speaker. The time limits set forth herein shall not include any time during which the applicant or other speaker is responding to questions asked by the Commission. The Chair may allow the applicant or any speaker to minimally exceed the applicable time limit to complete the specific topic being addressed.

E. *Deferrals*. The Commission may defer any matter at the request of a member of the Commission, the County staff, or the applicant; provided that the Commission shall not defer any matter beyond the date that Commission action is required by law unless the request for deferral is made by the applicant. The request may be either oral or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefor. A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely.

(1) *Deferral to a specific date*. If the motion to defer pertains to a matter for which a noticed public hearing is required and the motion is to defer the matter to a specific date, the Chair shall either close the public hearing or, if the public hearing was not opened, open and then close the public hearing, before the Commission votes on the motion. When the matter returns to the Commission on the date specified, the Commission may open a new public hearing and receive comments from the applicant or any other speaker, act on the matter, consider another motion to defer, or any appropriate combination thereof.

(2) *Indefinite deferral*. A motion to indefinitely defer a matter should be considered when neither the Commission nor the applicant are certain of the date and time when the matter may return to the Commission for

consideration. If the motion to defer pertains to a matter for which a noticed public hearing is required and the motion is to defer the matter indefinitely, the Commission shall close the public hearing, or, if the public hearing was not opened, it may in its discretion allow the applicant or any other speaker to speak on the matter. An indefinite deferral does not extend the time for which action is required on a matter before the application is deemed withdrawn under Chapters 14, Subdivision of Land, and 18, Zoning, of the Albemarle County Code.

4. Quorum

A majority of the voting members of the Commission shall constitute a quorum for any meeting of the Commission. If, during a meeting, less than a majority of the members of the Commission remains present, no action can be taken except to adjourn the meeting or to adjourn the meeting to a fixed time and place. If, prior to adjournment, a quorum is again established, the meeting shall continue. A meeting shall not be adjourned to a date and time beyond that fixed for the next regular meeting.

5. Voting Procedures

A. *Motions*. Each action by the Commission shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.

B. *Approval of Motion by Majority*. Except for a decision on a motion of the previous question, each decision of the Commission shall be made by approval of a majority of the members present and voting on a motion.

C. *Time for Vote*. Any matter before the Commission requiring a public hearing shall not be decided by the Commission until after the public hearing has been held.

D. *Manner of Vote*. The vote on a motion pertaining to a matter for which the Commission is making a recommendation to the Board of Supervisors shall be by roll call vote; provided that if it appears to the Chair that the Commission will be unanimous in its recommendation, the Commission may make its recommendation by a voice vote. The vote on a motion pertaining to any other matter may be either by roll call vote or voice vote, in the discretion of the Chair; provided that a roll call vote on such a motion shall be required if requested by a member of the Commission. For each roll call vote, the Recording Secretary shall record the name of each member voting and how the member voted on the motion. For each voice vote, the Recording Secretary shall record the result of the vote.

E. *Tie Vote*. A tie vote shall not be deemed to be a recommendation of denial,nor shall a tie vote be deemed to be either a recommendation of approval. A tie vote shall defeat any motion to approve a preliminary subdivision plat, a variation or exception to a site plan, a final subdivision plat, compliance with the Comprehensive Plan pursuant to Virginia Code §15.2-2232, or a private street.

F. *Effect of Defeat of Motion to Deny or Recommend Denial*. The defeat of a motion to deny or to recommend denial of a matter shall not be deemed to be approval of the matter. In such a case, the Chair shall call for another motion.

G. *Abstention*. If any member abstains from voting on any motion, the member shall state the member's abstention. The abstention shall be announced by the Chair and recorded by the Recording Secretary.

H. *Motion to Amend*. A motion to amend a motion before the Commission shall be discussed and voted by the Commission before any vote is taken on the original motion unless the motion to amend is accepted by the unanimous consent of the voting members of the Commission. . If the motion to amend is approved, the amended motion is then before the Commission for its consideration. If the motion to amend is not approved, the original motion is again before the Commission for its consideration.

I. *Previous Question*. The discussion of any motion may be terminated by any member moving the "previous question." Upon a proper second, the Chair shall call for a vote on the motion of the previous question. If approved by a two-thirds majority of those voting, the Chair shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.

J. *Motion to Reconsider*. Any decision made by the Commission may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any voting member of the Commission. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.

K. *Cancellation of Motions*. In any case where a motion has been made under Rules 5(A), 5(H), 5(I), or 5(J), or any combination thereof, and there is uncertainty as to the status or effect of any pending motions or how the Commission is to proceed at that point, the Commission may, by a majority vote, suspend Rules 5(A), (H), (I), or (J), or any combination thereof, for the sole purpose of canceling any pending motions and to permit a new motion to be made.

6. Amendment of Rules of Procedure

These Rules of Procedure may be amended by a majority vote of the voting members of the Commission at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

7. Rules of Procedure not Covered by These Rules of Procedure

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

8. Nature and Effect of These Rules

The purpose of these Rules of Procedure is to facilitate the orderly conduct of public meetings and decision-making. The parliamentary Rules of Procedure (those rules other than Rules 2(B), 2(C), 4 and 5(B)) are procedural, not jurisdictional, in nature, and Rules 2(B), 2(C), 4 and 5(B) are jurisdictional only to the extent that Virginia law makes them jurisdictional. The failure to comply with the parliamentary Rules of Procedure shall not invalidate any decision of the Commission.

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(Adopted 01/12/99; Amended and/or Readopted 01/11/00 (§3(C)), 01/09/01(§2(B)), 01/15/02, 01/14/03, 01/13/04 (§§1(C), 1(D)), 01/05/05, 01/11/06, 01/09/07, 01/15/08, 01/06/09, 01/12/10, 01/11/11 (§§ 1(D), 2(C), 3(C), 3(D), 4, 5(A) (added), 5(B), 5(E), 9 (added)), 02/14/12, 01/08/13 (§ 3(C)), 01/14/14, 01/27/15 (§§ 1(A), (B), (F), (G), 2(A), (B), (C), 3(A), (B), (C), (D), (E), 5(A), (C), (D), (F), (G), (H), (I), (K) (added), former 7 (deleted)), 1/17/17 §§ 1(B), (D), 2(B), (C), 3(C), (D), 4, 5(E), (G), (H), (K). 6.

ATTACHMENT 2

SP-2017-00001. North Garden Farmers' Market –
Planning Commission Recommendation

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 **December** ~~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.
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.

ATTACHMENT 3

ZMA-2016-000019 Riverside Village Amendments –
Planning Commission Recommendation

RECOMMEND APPROVAL, by a vote of 6:1 (More nay), of ZMA-2016-19 with the technical changes recommended by staff as shown in Attachment E of the Staff Report.

ATTACHMENT 4

ZMA-2016-00016, ZMA-2016-00021, SP-2016-00027 & SP-2016-000028 Woolen Mills –
Planning Commission Recommendations

ZMA-2016-00016 Woolen Mills
RECOMMEND APPROVAL, by a vote of 7:0, of **ZMA-2016-19 Woolen Mills** with the acceptance of the proffers offered by the applicant.

ZMA-2016-00021 Woolen Mills
RECOMMEND APPROVAL, by a vote of 7:0, of **ZMA-2016-21 Woolen Mills** to change preserved slopes to managed slopes with the acceptance of the proffers offered by the applicant.

SP-2016-00027 Woolen Mills RESIDENTIAL DEVELOPMENT IN THE C-1 DISTRICT:

RECOMMEND APPROVAL, by a vote of 7:0, of **SP-2016-27 Woolen Mills** in the C1, Commercial to allow residential development.with the conditions outlined in the staff report, as follows:

1. A maximum of 94 residential units is permitted.

SP-2016-00028 Woolen Mills ACTIVITY IN THE FLOODPLAIN:
RECOMMEND APPROVAL, by a vote of 7:0, of **SP-2016-28 Woolen Mills** with the conditions outlined in the staff report, as follows:

1. Prior to final site plan approval or permitting of a land disturbance in the floodplain, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) and a Floodplain Development Permit from Albemarle County. In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of flood wall(s) shall be in compliance with approved plans and FEMA approved CLOMR and applicant shall obtain a FEMA approved LOMR upon completion of fill activities.