Albemarle County Planning Commission
June 20, 2017

The Albemarle County Planning Commission held a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Mac Lafferty; Pam Riley; Jennie More; and Bruce Dotson. Commissioners absent were Karen Firehock, Vice Chair and Bill Palmer.

Other officials present were Rachel Falkenstein, Senior Planner; Amelia McCulley, Zoning Administrator/Director of Zoning; Frank Pohl, County Engineer; David Benish, Chief of Planning; Ron Higgins, Chief of Zoning; Andrew Gast-Bray, 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. **Resolution of Intent**: Housekeeping II
b. **Approval of Minutes:** November 22, 2016, December 13, 2016 and March 7, 2017

Mr. Lafferty moved to approve the Consent Agenda as presented. Ms. Riley seconded the motion, which passed unanimously (7-0).

Public Hearing: ZTA 2015-00006 Shadwell Estates

ZMA-2015-00006 Shadwell Estates (Sign 35 & 36)
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 079000000023F0
LOCATION: Located on North Milton Road (Route 729) across from Stone Robinson Elementary School.
PROPOSAL: To amend the proffers for approved ZMA1977-24 to allow up to 7 residential lots. Critical slopes waiver is requested.
PETITION: Request to amend proffers for ZMA1977-24 on property zoned Planned Residential Development (PRD) which allows residential (3-34 units/acre) with limited commercial uses.
OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH)
PROFFERS: YES
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). (Rachel Falkenstein)

Ms. Falkenstein reported that this public hearing was a request for a rezoning to amend proffers and an application plan for a previously approved ZMA from 1977. She stated that the property is located on Milton Road across from Stone Robinson Elementary School, east of the Clifton Inn, and the lake is referred to as "Clifton Lake" in many application plans, and the property line ran directly through it. Ms. Falkenstein stated that the property is Tax Map 79-23 and is zoned planned residential development, located in the rural area of the Comprehensive Plan – with the property currently vacant and mostly wooded. She referenced some aerial photos of the property. She said that the property was rezoned through the 1977 rezoning from A-1 to residential planned neighborhood, allowing 39 units on 92 acres. Ms. Falkenstein said the previous rezoning included property across the lake, which was three separate parcels today, and today's request only pertained to the parcel to the west of the lake. She stated that in 1980, the comprehensive county rezoning changed the zoning from RPN to PRD, and in 2014, the two properties east of the lake were placed under conservation easement and thus were no longer part of the request.

Ms. Falkenstein reported that the proposal was for seven residential lots on 28 acres, and the applicant was proposing access via a private street, with 9.3 acres or 43% of the property proposed as open space, and 6 acres being added to adjacent parcels the applicant owns – with other features such as storm water, fire access, and like access. She stated that the previous PRD from 1977 showed nine lots west of the lake, but the applicant was requesting only seven lots. Ms. Falkenstein noted that the applicant has included two proffers with his request: the first referring to the application plan features such as the lots and open space, as well as a tree preservation easement; and the second being Department of Conservation and Recreation (DCR) review of the dam.

Ms. Falkenstein said that staff's first recommendation for the proffers was for the applicant to provide additional clarity on DCR review of the dam, as DCR was requiring the dam to meet state requirements and staff would like clarification that this was done before the first subdivision plat. She stated that the second recommendation for the proffers was that the applicant consider adding a proffer for architectural review of the residences, which the applicant had included in a previous iteration of the proffers but eliminated in the most recent version.

Ms. Falkenstein stated that the applicant had included areas of critical slopes and stream buffer on private lots, and she noted the property line and building site on Lot 7. She said that the applicant was proposing a tree conservation easement to cover areas of the stream buffer, which was delineated on the plan, but not areas of critical slopes outside of the stream buffer. Ms. Falkenstein commented that her recommendation is for areas of critical slopes on private lots that are not protected by the tree conservation easement be included in the easement as well so that it includes stream buffer as well as critical slopes. She asked Commissioners to note the special exceptions in the application plan and mentioned that the references to RA zoning would need to remain PRD because they were not included in the original request.

Ms. Falkenstein pointed out that this application was a reduction of what was approved in 1977, which was why staff reached the recommendation for approval of the request, and the applicant was also asking for a private street authorization – which was a Planning Commission approval – so there would need to be a separate motion on that. She noted that her staff report had referred to the incorrect section of the ordinance under which the private street can be authorized, as it can be authorized under Section 14.232-3, General Welfare, rather than Environmental Preservation – but staff's analysis remained the same. She reiterated that staff's

recommendation was for approval and there would be two motions: one for the ZMA and one for the private street.

Mr. Dotson asked if the site was in the development area where they distinguished between managed and slopes to be preserved, whether staff felt they would fall into one category or the other.

Ms. Falkenstein responded that the criteria used to distinguish between managed and preserved was adjacency to a body of water, the size of the slope, and whether they were natural or man-made. She stated that these might be preserved because of the body of water there and the presence of large areas of slopes, but she had not looked at it close enough to say for certain.

Ms. Riley commented that the staff reports said there was soils work performed but not provided to the health department for review for water and septic, and asked why it was not provided.

Ms. Falkenstein responded that the applicant did not provide an explanation but said they had the soils survey done but the health department nor staff had ever received it.

Ms. Spain commented that the issues raised were the private road, the dam, the critical slopes, the setbacks, and the rectangular lot – and she asked for clarification that the Commission was deciding on all of those issues.

Ms. Falkenstein replied that there were three special exceptions – critical slopes, setback, and rectangular building shape – that would not be decided tonight, but the Board of Supervisors could consider the Commission's recommendation. She said the private street authorization would need to be decided by the Commission under their purview, and the dam was state regulated so it was part of the applicant's proffers but was not a special exception.

Ms. Spain asked for an explanation of the rectangular buildings.

Ms. Falkenstein clarified that they were rectangular building sites on the lots.

Ms. Spain asked if that was the case throughout the County.

Ms. Falkenstein explained that there was a Zoning Ordinance requirement for rural area lots to have a 30,000 square foot building site that is rectangular in shape, to prevent people from using odd shaped building sites that may meet the 30,000 square foot requirement but would not be buildable.

Ms. Spain asked why that would matter and whether it was something that most counties followed.

Ms. Falkenstein responded that she did not know the history of when this was put in the ordinance, but the justification for the shape was that it be something that could be built upon.

Chair Keller opened the public hearing and invited the applicant to speak.

Mr. Katurah Roell addressed the Commission on behalf of the applicant, commenting that the shape of the lots was in general conformity with the 5:2 ratio, and the reason they may not be perfect rectangles was that they followed the shores of the lake on the property. He stated that

the applicant has tried to achieve a fairly regular box, but it did require some flexibility from the Commission. Mr. Roell noted that they had reduced the plan from nine lots to seven lots to meet that requirement, and still were able to make buildable lots. He stated that they did performance soil studies with Gooch Engineering and determined they had adequate soils, but didn't want to run it through the health department until they were certain of getting the seven lots – and they were confident of good soil and perks tests.

Mr. Roell reported that this property was located on a short street that VDOT indicated they were not interested in maintaining, so the applicant requested private road justification and information related to soil disturbance for a public road versus private road. He stated that in terms of critical slopes, the applicant has included the entire buffer along the lake off the lakeside water buffer slopes, with the last lot being a critical slope lot that falls back off to the west toward Milton access and another parcel that separates this property from the Rivanna River. Mr. Roell noted that he did not have an issue with including it in the buffer area, and the applicant has no intent to disturb it – as there are large mature trees that they intend to keep as preserved as possible.

Mr. Roell stated that he has discussed with the owner that the HOA will maintain control over all the properties, designs, and architecture on the site – and he had been working with the architect, Hank Brown, to consider different designs for small homes to be placed on the lots. He said that the applicant has met with DCR, there have been visits to the site, and the dam was in process of being cleared of trees and debris through a DCR process so that it resolved to their satisfaction. Mr. Roell noted that the applicant has no issue completing that prior to platting the first lot because the dam is currently under construction and repair.

Mr. Lafferty asked if he knew about the soil type.

Mr. Roell responded that he did not know, but there was some silty, sandy loam – with an average of two feet in some places to four or five feet in other places found in taking about 60 soil borings, and he had been out to the site several times with Mr. Gooch to look at the quality of the clay and the soils.

Mr. Lafferty noted that across the river, there was a lot of shale and those soils did not perk very well.

Mr. Roell stated that Mr. Gooch was pleased with what they found because the soils on this side of the ridge were much better than soils on the other side.

Mr. Dotson asked Mr. Roell if they were anticipating use of alternative or conventional septic systems, as he had noted in some of the documents that there had been consultation with an alternative system person.

Mr. Roell responded that there may be some engineered systems on some of the lots, and they were not intending on building large homes but instead were planning to build small classic style cottages. He said that they would ensure adequate capacity in either event, and they would try to do a conventional system where there was adequate reserve – but otherwise would do an alternative system to ensure there was an adequate reserve for the future.

Mr. Dotson noted that maintenance and homeowner education are key to the success of alternative systems, and he asked if there could be a way for homeowners to be informed that

they have an alternative system, as they may not know – and the County cannot require periodic maintenance but possibly a homeowners association could.

Mr. Roell responded that they had not considered this but it was a good idea to add that to the HOA documentation, and all the grounds and common area maintained by the HOA, and the intent was to maintain it along with the Clifton grounds to keep a consistent, quality environment across the entire piece of property.

Mr. Dotson also commented that all but one of these lots backed onto Hurt Pond, as labeled on Google Earth, and it seemed unimaginable to him that people would not want to clear the trees to get a view of the water or have access to it. He asked were there some creative ways by which they could emphasize that there is a tree preservation easement there.

Mr. Roell responded the easement on the deed would be recorded as a non-disturbed area and monitored by the HOA (homeowners association), so as not to be disturbed down to the lake, with visibility during the winter when foliage was reduced. He pointed out that there was a dock on the lake where people could access it, as shown on the plan, and it included a sitting area.

Mr. Dotson stated that he was still concerned and welcomed any approaches to addressing this.

Mr. Roell responded that they had a deed restriction monitored by the HOA, with the grounds maintained and cleared as part of dues – along with a road maintenance agreement, as it was also maintained by the HOA as a private road. Mr. Roell pointed out they had presented all of that information.

Ms. More asked why the health department had not run the soil samples, and if a cost was associated with doing so.

Mr. Roell responded that once they obtained the soil samples from Mr. Gooch and determined they had adequate soils, they were just waiting to ensure they could get through the process without starting the health approval process. He stated that as they approached soil studies and lot shapes and changes, there was a lot of movement with lot lines, buildable area, septic field and well locations, and other moving parts that had to fit together. Mr. Roell said that having to change lot shapes related to lot irregularity, as discussed, would have bearing on septic field location.

Ms. More responded that requests for special exceptions indicate to her that there are still moving parts, as would be the case if a lot did not perk, and she would like to see things as finalized as possible. She stated that the letter received from DCR dated January 31, 2017 asked the inspector to inspect the dam and provide information within three months, and she wondered what the delay was.

Mr. Roell explained that he and the applicant have met with DCR onsite, but have not submitted information back to County engineering because it is a state issue. He said there were crews onsite clearing and working.

Ms. More said, as she understood the letter, this needs addressed independently from other items required on the application.

Mr. Roell responded that they were working to complete that within the next month or two, with the plan of having a letter from DCR indicating its completion to their satisfaction. He stated that

if they do not move the lot lines, they would have septic field sites as currently laid out and designed – but if there is concern about irregularity of the lot lines that could change things.

Ms. Riley stated that in the staff report, there was mention of adding a note to the application plan to allow for fewer, larger lots if adjustments to find suitable well or septic sites were needed, and she asked if the applicant was amenable to that.

Mr. Roell responded that if the health department were to return with a finding that the information submitted by Mr. Gooch was not acceptable, the applicant would have to amend the plan to make a suitable septic field site, which would mean an amendment to the lot shape to make it larger. He said the applicant felt confident in what they had laid out at this point and would submit it to the health department and move forward, once the Commission signed off on it.

Ms. Riley asked for confirmation that he agreed to add a note to the application plan.

Mr. Roell said that he would.

Ms. Riley stated that the natural tendency of the lot owner was to want to take trees down, and in the staff report there was an alternative explored to not having all the critical slopes in the tree preservation easement, but instead having the stream buffer put in common land that the HOA would regulate. She said that the applicant had not chosen this as their first alternative as it makes the lot sizes smaller, but HOA enforcement might be a stronger mechanism than individual property owners had.

Mr. Roell responded that the intent was property owners own to the lake edge, but they have both deed restrictions and HOA language prepared that indicates it is not to be touched or disturbed. He said the HOA would maintain the grounds on all of the properties, but that does not provide an opportunity to go onto critical slopes or towards the lake to cut or clear anything – and the grounds maintained and closely monitored. Mr. Roell noted that this was the reasoning for the size of the lot at a half-acre versus a one-acre lot, from an ownership standpoint.

Chair Keller invited public comment.

Mr. Lafferty asked if everyone had received the email from Mr. Jeff Werner of the Piedmont Environmental Council.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Commission and said that the forum has no particular position on this project but notes that several Commissioners have requested that the applicant follow state law – and this seemed duplicative. Mr. Williamson said that there seems to be concern about alternative septic, but State Code had specific regulations as to what they could and could not regulate regarding alternative septic, which he thought Mr. Blair would share with them.

Mr. Roell re-addressed the Commission and stated that the applicant had spent almost two years in preparation and study of this, carefully laying it out and working with staff, and they felt fairly comfortable with what they had proposed – including the design and shape of lots on the overall intent – and felt it would be one of the least disturbed pieces of land given the private road and subtle approach for the preservation and use of the property.

Mr. Keller said the applicant had asked the County to expedite the process in terms of rural area inns so there could be changes that would allow for certain changes to be made at the inn, and asked if they planned to do that at another stage. He asked for clarification as to whether this was an entirely different proposal on the same pieces of land as the inn expansion.

Mr. Roell referenced a map provided and noted this particular parcel, with inclusion of portions of this property in the subdivision plat, would add to the inn property. He stated that the applicant has prepared a special use permit application in conjunction with a zoning text amendment they had pursued in 2016 – which was for the inn itself and was an entirely separate process and parcel to the west of the area pertaining to this application. Mr. Roell emphasized that in this application, they were addressing the 1977 approval of what was nine small linear lots, and this process would bring it to current day subdivision standards and state requirements.

Mr. Keller stated that he was interested in understanding the whole picture and presentation of that picture to the Commission at the same time, acknowledging that these were different parcels but pointing out that the application did not include anything about how they intended to address the other land that would be added. He pointed out that the Commission and Board spent a lot of time making the modifications, and he was interested in knowing the impact to the total site and how these elements worked together.

Mr. Roell responded that when the applicant came back with the SP, they would be happy to submit the complete package – and this had been in process for two years, beginning on a simultaneous track as a zoning text amendment. He stated that these were previously platted, and it had just taken this long to get through the process to meet the requirements and made the modifications. Mr. Roell added that the ZMA was on a different track than what had been the ZTA and would be a future SP, noting that the current application was for seven modest homes along the lakeshore compared to nine previously approved.

Mr. Keller stated that some of these were depressed and were slightly below the sight line from the historic inn itself, but others along Milton Road would be visible to some extent.

Mr. Roell clarified that they would be visible from Milton Road.

Mr. Keller noted that he was referring to those that were next to Stone Robinson School on Milton Road.

Mr. Roell explained that the inn overlooked all of the parcels because they were down below a drop in the road and the slope, and they would follow the same design standards as Clifton Inn.

Ms. Riley asked if there was any development intent for the six acres to be added to the adjoining parcels.

Mr. Roell replied that there was not.

Ms. Riley asked if there were any recreational amenities to be developed along with this subdivision.

Mr. Roell responded that these were small, private lots with no amenities offered to them.

Ms. Riley asked if there were additional recreational amenities on the lake.

Mr. Roell responded that there were not, but there was a public access that would serve both the Clifton Inn and these private owners through the common open space area. He added that these homeowners, as part of the HOA, would have the right to use Clifton Inn facilities – which is part of the attraction for these seven special lots.

Mr. Lafferty asked if the HOA could state that public water and sewer would never be available.

Mr. Roell replied that they would not go as far as to say it would "never" be available, but they would state that the lots are provided with septic and well, and that would be included in the HOA covenants.

Mr. Keller asked if the total holding had the land that went down to the Milton landing on the Rivanna now.

Mr. Roell pointed out on a map provided where the property is, noting the location of a large swath of land that incorporates the dam and goes down to the river, then out to a small parcel – and in the midst of that, the Milton access comes in off of Milton Road and ends up back at the Milton property. He confirmed that this was all under the same Milton entity ownership, but had no development rights and no buildable area, as it was all critical slopes or undisturbed property, but was not part of the Clifton Inn historic inn parcel.

Mr. Keller commented that it was basically setting for the inn.

Mr. Roell agreed.

Mr. Keller asked if he would consider working with the County to provide a more official right of way access through that.

Mr. Roell responded that he and the applicant had met with Dan Mahon earlier that day and would be happy to discuss with him the possibility a more formal access, noting that Dr. Hurt's property line splits both the dam and the access road, so they are working on that aspect as well.

Chair Keller closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Mr. Dotson said that several concerns had been expressed regarding the maintenance of alternative systems and potential easement violations, and he hoped they could be highlighted to the Board of Supervisors for their consideration. He suggested that the Commission have a motion on the ZTA, and he was prepared to recommend approval on the private street, with a third motion reflected in an action memo so the Board was more likely to see it.

Mr. Keller stated that there is another significant part to this, which is the fact it is a whole package – and the Commission had worked hard to expedite this, asking staff to address the regulations and modifications that would work. He said that he would like to see all of it before they approve just this piece of it, and would like to discuss an official access to the river, as it is challenging to use Milton for that access. Mr. Keller stated that they have talked about the importance of the river in the Comprehensive Plan, modernizations to help the historic inn, and zoning that could be updated to foster a new viable development – but to him it needed to be a whole package.

Ms. More commented that she agreed with two of the pieces and how they worked together were different from the river access that she did not know was in the Commission's purview. She stated that enabling the inn property to expand would be important, but she would not go as far as to introduce the other parcel and access to the river.

Mr. Keller responded that he was in no way asking for that, but was pointing out that there were different parcels that were all together and would make this ultimately more successful. He said that thinking about those holistically was important, regardless of whether the owners would come back with a plan for access.

Mr. Dotson said that it might just be a mapping exercise that was more dependent on staff putting the pieces together on the special use permit application.

Mr. Keller agreed, stating that he had asked staff whether they could just overlay the last proposal with the current proposal and with the County's rivers and trails proposals.

Ms. Falkenstein pointed out that the County had received a special use permit request from the Clifton Inn to add rooms to the inn, but it was not accepted, as there was a matter that needed to be sorted out first – so staff has not done that review to date.

Mr. Keller asked for a timeline.

Ms. Falkenstein responded that it would be up to the applicant before the County could accept it.

Ms. Riley stated that she agreed with Mr. Dotson regarding moving forward with approval, and mapping with the SP would be helpful in the context of how the various development projects were complementing and fitting together and what their impact could be. Ms. Riley said she was encouraged to hear there was no plan to develop the adjacent six acres, but felt they could move forward with the private street – and she also agreed that an action statement that highlighted Commission concerns would get the Board's attention on those issues.

Ms. Spain stated that one of Jeff Werner's concerns was the possibility of a future Board of Supervisors adding lots back in.

Ms. Falkenstein responded that the property owner could come back in to amend the PRD and ask for more lots, though there was not a lot of room left onsite with what was shown on the plan.

Ms. Spain said that might depend on how the land perked and where the septic systems were located, and she was a bit concerned that they did not have that information yet, as it seemed like something that should come first – but she respected the developer's attempts at concurrency.

Ms. Spain stated that Ms. Firehock had also expressed concern about preserving the tree conservation easement as much as possible, and given the habitat of the two lots that already existed there that are conserved; she would like to see strong language in the Homeowner's Association (HOA) that made it clear the trees should be left alone.

Ms. Falkenstein pointed out that the way the applicant has written it, it would be a deed restriction, and the County could enforce it if it were part of the proffers and they received a notice or complaint – but once trees were cut down, there wasn't much they could do.

MOTION: Ms. Riley moved for approval of ZMA-2015-0006 with revisions to the proffers and application plan as recommended by staff. Mr. Dotson seconded the motion.

Mr. Keller stated that he could not vote for this because he felt it was a great opportunity to look at all of the parcels, given that there was another piece about to happen.

The motion passed 5:1:1, (Keller nay) (Firehock absent).

MOTION: Ms. Riley moved that the Commission approve the private street request for ZMA-2015-0006 with the private street in the location shown on the application plan. Ms. Spain seconded the motion.

Mr. Keller said he would be voting against this for the same reasons he had stated in the previous item.

The motion passed 5:1:1 (Keller nay) (Firehock absent).

MOTION: Mr. Dotson moved that the action summary from this meeting reflect three concerns expressed by the Planning Commission: maintenance of alternative septic systems; the probability of easement violations; and the need for a comprehensive map showing this development as well as the anticipated development on the balance of the properties associated with this ownership.

Ms. Riley seconded the motion.

Mr. Blair stated that Mr. Dotson's recommendation needed to be conditional in the sense that as part of a ZMA, they could not require a plan for future lots.

Mr. Dotson said that this could be something staff did, rather than the applicant.

Mr. Blair responded that they could do so if they had the information available, but it cannot be interpreted as a requirement that the developer provide such a map.

Mr. Keller suggested an amendment to the third point, so that it addressed comprehensive open space, green ways, blue ways, and trails – as they have all been discussed in the Comprehensive Plan. He stated that he would like to see how this worked because there was a desire to have green and blue trails at the headwaters of the Rivanna and James rivers and into the Chesapeake Bay, and the greater holding here was a significant property linkage in that.

Mr. Keller clarified that in terms of the motion, he would suggest that staff also show the County's plans for future trails.

Ms. More asked for clarification that the Commission wants the Board's attention drawn to those concerns.

Mr. Keller confirmed that he was supporting the first and second part of Mr. Dotson's motion, but wanted to make sure the last point is modified so that it included the open space trail system.

Ms. More asked if he was asking that the Board have this information before making its decision.

Mr. Keller said he thought they would.

Mr. Dotson explained that he was prepared to note these as concerns to be flagged for the Board, but he did not wish to make it a necessary hurdle, and the Board and staff will proceed as they see fit.

Mr. Keller commented that he was supportive of this project but felt it could be better if it were comprehensive.

Mr. Keller called for a second to the motion.

Mr. Dotson said he understood Mr. Keller to be saying that this went beyond the holdings of the entire property, but also the various Comprehensive Plan elements of blue and green infrastructure as part of the comprehensive map.

MOTION: Mr. Keller moved to amend the motion as stated. Mr. Dotson seconded the motion, which passed unanimously (6-0).

The Commission revisited the motion as amended, moved by Mr. Dotson and seconded by Ms. Riley. The motion passed unanimously (6-0).

Mr. Keller reiterated his support for the project with a focus on including all of the pieces worked on for several years.

Mr. Lafferty stated that they should get the health department involved as soon as possible, as they tended to back out of these commitments.

Mr. Keller said the meeting would move to the next item.

SP-2017-00006 Westfield Road
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 061W0-01-0C-00600
LOCATION: 450 Westfield Road.
PROPOSAL: Motor vehicle sales
PETITION: Motor vehicle sales under Section 22.2.2(8) of the Zoning Ordinance. ZONING: C1 Commercial which allows retail sales and service; residential by special use permit (15 units/ acre)
OVERLAYS: Entrance Corridor, Airport Impact Overlay, Managed Slopes COMPREHENSIVE PLAN: Urban Mixed Use in Neighborhood Center which allows commercial, retail, and employment uses with supporting residential (3-20 units/acre). (Rachel Falkenstein)

Ms. Falkenstein reported that this was a request to allow motor vehicle sales and rental, and the property is located at 450 Westfield Road, Tax Map Parcel 61W-01-1C6, totaling .4 acres. She stated that the zoning on the property is C1 as noted on the map, with a small amount of residential to the north of the parcel. Ms. Falkenstein stated that this property was found in the Entrance Corridor of Route 29 but has been determined not to be visible from the corridor. She said the Comprehensive Plan calls for the property to be urban mixed use, and the current use

of the property is an auto repair shop. Ms. Falkenstein stated that the applicant was proposing to use the current property with the use added to sell and rent vehicles, and was only proposing minor changes to the site: curb and gutter, parking lot striping for customer parking, and a designated area for vehicle display. She noted that he was also proposing landscaping to provide screening for the display area.

Ms. Falkenstein reported that this was a fairly straightforward request, with a community meeting held at the Places 29 CAC, and the group was supportive of the use – with a few concerns raised to the applicant such as lighting. She said the applicant has indicated there would be no new lights, and he would make sure the existing light on the building complied with the County's lighting regulations. Ms. Falkenstein stated that there was also a concern regarding delivery of vehicles, as a tractor-trailer delivering them would not be able to turn into the site and it would cause traffic backups on the road – but the applicant has said he would not have tractor-trailers delivering vehicles.

Ms. Falkenstein reported that staff was recommending approval, with the three favorable factors being: it is in compliance with the Comp Plan; there would be some proposed improvements to the site, those improvements would bring the existing use more into compliance with screening regulations from the ordinance. She stated that staff recommends approval with two conditions as presented – that it is in compliance with the concept plan, and to be commenced within three years.

Chair Keller opened the public hearing and invited the applicant to address the Commission.

Mr. Kelly Strickland of Shimp Engineering addressed the Commission and offered to answer questions.

Mr. Keller asked Mr. Dotson for clarification of the concerns expressed at the Citizen's Advisory Council (CAC) meeting.

Mr. Dotson indicated that he had not been present at the meeting.

Ms. Falkenstein said that she had not attended the meeting either, but a colleague who did attend reported that the two concerns were lighting and tractor-trailer delivery, both of which the applicant had addressed.

Mr. Keller stated that he also understood there were concerns about vehicles being parked on the street.

Ms. Falkenstein responded that she had not been made aware of those concerns.

Chair Keller invited public comment. There being no public comment, Mr. Keller closed the public hearing and the matter was placed before the Commission.

Mr. Dotson noted that were this property in Highway Commercial, it would be a by-right use, but this is zoned C-1, which is also a fairly intensive commercial use. He stated that if new buildings were proposed, then in line with relegating parking and putting buildings closer to the street, he would have concerns with new building placement – but since it is the existing building, he does not have those concerns.

MOTION: Mr. Dotson moved to approve SP-2017-00006, Westfield Road with the conditions as

recommended by staff. Ms. More seconded the motion, which passed unanimously 6:0 (Firehock absent).

Chair Keller said the meeting would move to the next item, ZTA 2016-0006 Housekeeping and STA 2016-0003 Housekeeping

a. ZTA 2016-00006 Housekeeping – The Planning Commission will hold a public hearing on June 20, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 18-35.5 to waive the zoning text amendment or special use permit fee for a nonconforming use which possesses an Albemarle County business license and has operated continuously at the same location for at least fifteen years and has paid all real estate, business license, and personal property taxes related to such use; Amend Section 18-32.6 to clarify that specifications for recreational facilities comply with Sections 18-4.16-4.16.3; Amend Sections 18-4.15.3, 18-4.15.5, 18-4.15.8, 18-4.15.9, 18-4.15.10, and 18-4.15.11 to amend the definition of advertising vehicle, to establish criteria for a sign permit exemption for qualifying advertising vehicles, to prohibit certain advertising vehicles from displaying signs, exempt certain advertising vehicles from maximum sign number, area, height, and minimum sign setback regulations in Sections 18-4.15.9, 18-4.15.10, and 18-4.15.11, and prohibit certain advertising vehicles in all zoning districts that do not meet the criteria in amended Section 18-4.15.5; Amend Section 18-5.1.11 to remove duplicative language concerning commercial kennels and veterinary and animal hospitals and to clarify the maximum decibel level from all confinements; Amend Section 18-5.1.20 to clarify that underground storage tanks and loading facilities served by the public water supply are not subject to a 100 foot lot line setback applicable to above ground storage tanks and loading facilities; Amend Sections 18-3.1 and 18-5.8 to clarify that the term industrialized building encompasses the term temporary nonresidential mobile home and replace the term temporary nonresidential mobile home with the term temporary industrialized building; Remove condominiums as a by-right or special permit use in Section 18-20B.2; Remove the terms sanitariums, convalescent homes, and rest homes from Sections 18-3.1, 18-4.12.6, 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18-2.2, 18-20.3.2, 18-20B.2, 18-20B.4, and 18-24.2.2; To amend Sections 18-3.1, 18-10.2.1, 18-10.2.2, 18-12.2.1, 18-13.2.1, 18-14.2.1, 18-15.2.1, 18-16.2.1, 18-17.2.1, 18-18-2.1, and 18-19.3.1 amend the definition of group home, delete the definition of home for developmentally disabled persons, establish group homes as a by-right use in the Rural Areas zoning district, and remove the term homes for the developmentally disabled from the Albemarle County Code; Establish a thirty-five foot maximum structure height in cluster developments located in the R-1, Residential, zoning district; Amend Section 18-22.2.2 to remove fast food restaurant as a use authorized by a special use permit; Amend Section 18-23.2.2 to remove research and development activities and medical or pharmaceutical laboratories as a use authorized by special use permit; Amend Section 18-21.7 to permit commercial zoning district construction activity without a buffer zone when the construction activity occurs in a commercial zoning district across the street from a residential or rural areas zoning district; Amend Section 18-3.1 to establish a definition for temporary family health care structures and to establish Section 18-5.1.62 to establish regulations for temporary family health care structures; Amend Sections 18-30.3.5, 18-30.3.15 and 18-30.3.17 to amend the definition of accessory structure in the Flood Hazard Overlay District, establish regulations for accessory structures located in the floodplain, and establish a variance process for accessory structures larger than 200 square feet but not exceeding 600 square feet to locate in the floodplain; Amend Section 18-30.3.11 to establish a definition of fine grading and to permit flood control, stormwater conveyance, and environmental restoration projects in the floodway and floodway fringe if the projects do not change the base flood plain elevation or horizontal limits to the flood plain; Amend the maximum height regulations to clarify stepback requirements

in Sections 18-18-8, 18-17.8, 18-19.7, 18-21.4, and 18-20.8.4; Amend section 18-3.1 to add the definition of religious assembly use; Amend sections 18-3.1, 18-4.12.6, 18-5.1.27, 18-10.2.2, 18-12.2.2, 18-13.2.2., 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2., 18-18-2.2, 18-19.3.2, 18-20.3.2, 18-20B.2, 18-22.2.1, 18-23.2.1, 18-24.2.1, and 18-30.2.5.1to replace the term church with the term religious assembly use; Amend Section 18-4.19 establishing new infill and non infill setback and stepback requirements; and Amend Section 18-4.20 establishing new setback and stepback requirements; Amend Section 18-10.2.2 by removing the reference to adjunct cemetery; and Amend the maximum height regulation in section 18-26.4 to clarify stepback requirements and remove a reference to standard ratios. A copy of the full text of the proposed ordinance amendments is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley)

AND

b. **STA 2016-00003 Housekeeping** – The Planning Commission will hold a public hearing on June 20, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 14-403 to clarify that each lot in a subdivision shall have frontage on an existing or proposed public or private street. A copy of the full text of the proposed ordinance amendments is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley)

Ms. McCulley addressed the Commission and introduced Lea Brumfield, who replaced Mandy Burbage as a senior planner. Ms. McCulley stated that staff had collated the amendments being presented, and said there was a periodic need to update, correct and clarify regulations. She said that as staff, the public and applicants work with regulations, they take note of problematic wording – but the longer between housekeeping amendments, the longer the list becomes, so they were faced with an extensive, cumbersome list.

Ms. McCulley said the origin for these amendments stemmed from a 2016 resolution of intent, and there had been a change in priorities based on the Board of Supervisors putting the farm winery, brewery, and distillery work ahead of other priorities. She stated that this put things like the housekeeping amendment on the back burner, coupled with the departure of staff member Mandy Burbage – which was the only position dedicated to ordinance work.

Ms. McCulley stated that in her entire career with the County, she had never seen this many ordinance amendments in the works, with 40 currently in the pipeline. She said that many of these items fell into the category of things staff feels they can streamline, as housekeeping amendments or administrative changes necessary prior to recodification. Ms. McCulley stated that others were more substantive and related to work plan policy items, the strategic plan, etc. She noted that all the amendments in the works, Mr. Kamptner had taken a resolution of intent to the Board of Supervisors on April 5 that included 20 resolutions for separate ordinance amendments. She mentioned that most of those involved work needing to be done before recodification – because recodification was really just reformatting and did not address reorganization or substantive changes. She cited an example of use categories in 30.3.11, Flood Hazard Overlay District as a table of uses. Ms. McCulley stated that this was the way most codes were going, and the way Albemarle wanted to go, as people could read and understand them better. She said that one resolution related to putting commercial uses in a table, another related to putting residential uses in a table, so some of the changes were as

simple as that. Ms. McCulley noted that they also have many definitions in many different sections in the ordinance, so another goal was to consolidate so people knew they could find them all in one section.

Ms. McCulley reported that there were fewer substantive changes, there were several amendments that warranted an expanded public engagement process – some of which had stakeholder interest and required a great deal of work, such as Rio/29 Small Area Plan implementation. She stated that there was a request from the April 5 resolution to reconsider use categories for commercial recreation in the rural areas – which currently included just swim, golf and tennis – and that was a substantive change. Ms. McCulley said that this was so substantive and needing of public engagement, there would be a work session with the Board and with the Planning Commission.

Ms. McCulley stated that the last item under these amendments was modernization of the zoning code, which was interpreted differently by different people, and some of it involved taking the input heard during the economic development strategic plan. She noted that the plan had not been completed because here wasn't a director yet, but there were a lot of focus group opportunities by which they heard that the County ordinance was out of date with what the community wished to achieve – and that substantive work would have its own process.

Ms. Spain asked if form-based code would be introduced in the "modernization of the code" area.

Ms. McCulley responded that it would initially be introduced under number one, as that would pilot and inform how to address it in the modernization area.

Ms. McCulley stated that if there was nothing the Commission was comfortable with tonight, it could be pulled aside and put into housekeeping. She said that would be a separate public hearing and it was a separate resolution of intent on their Consent Agenda at this meeting.

Mr. Keller mentioned that this was why the Consent Agenda included the housekeeping item, so there was a mechanism for them to postpone work if necessary.

Ms. McCulley added that there would also be fewer amendments, so it would be easier to focus in on changes.

Ms. McCulley reported that the first housekeeping item was correcting and updating terms, as there were many that were incorrect or were not consistent with building code, the land use plan amendment (LUPA), etc. She stated that the term "church" was inappropriate and was being changed to "religious assembly use." Ms. McCulley said that the term "temporary non-residential mobile home" really pertained to office trailers or classrooms, so that would be changed to the current term recognized in the State Code. She stated that under "correcting and updating terms," Ms. More had pointed out the change related to "rest home, convalescent home, sanatorium, nursing home," and staff removed everything but "nursing home" in the draft ordinance before the Commission. She explained that "nursing home" on its face would not incorporate assisted living under State Code, and staff did not intend to remove uses they currently have. Ms. McCulley said that because she does not have enough time to get that corrected tonight, she would like them to consider pulling it out and putting it in housekeeping also.

Ms. Spain asked if hospice would be involved in the same change or in the group home definition.

Ms. McCulley responded that hospice would probably be covered under one of the current terms either as nursing home or as hospital, because it could go under two different terms.

Ms. McCulley stated that there were several areas requiring compliance with State Code as listed in the staff report, and those sections were provided in the summary – with the attached ordinance accomplishing that compliance. Ms. McCulley said that several items have conflicting text, such as condominiums, which are a form of ownership and not a land use, and thus should be regulated accordingly. She stated that the structure height under low-density residential district is 35 feet, but was shown as 30 feet in the chart for "cluster bonus." Ms. McCulley said that in Item C there was a practical fix, as it did not make sense to require a buffer zone when commercial zoning is across the road from the residential or rural area zoning. She noted that the standard landscaping requirements along the street for that commercial development would apply, as this item addresses the buffer zone of the non-disturbance.

Ms. McCulley reported that there is also a conflict represented in Item D, relating to requirement for a higher standard for sound-proof confinements in commercial kennels as opposed to non-sound proof, so that needs to be adjusted. She said that Item E corrects overlap where there are criteria that are the same between what is a permitted advertising vehicle and what is prohibited, so it is not a clear indication, of which is which. Ms. McCulley stated that Item F relates to a mistake made in the industrial district amendments that was really intended for bulk petroleum product sales and storage – but inadvertently applies to any fuel sales for any use.

Ms. McCulley stated that County Engineer Frank Pohl would offer technical expertise for items relating to floodplain regulations, such as Item A, which codifies the longstanding practice of allowing storm water conveyance in the floodplain, subject to limitations that are really best practices. She said that Item B creates a definition of "fine grading," which is a by-right use; Item C addresses by-right stream crossings that serve a single family dwelling, but the use listing is "dwellings" (plural), which implies multiple dwellings – and it's very clear from legislative intent that it's intended to be one single family dwelling.

Ms. McCulley stated that Item D and Item F arose because of flood insurance program compliance requirements, and the County must run its zoning floodplain regulations by DCR, which reviews them on behalf of FEMA. She noted that local regulations must meet their minimum standards so the County qualifies for the flood insurance program, and Albemarle tended to go above and beyond the minimum requirements for many things – state health regulations and floodplain regulations. Ms. McCulley explained that Albemarle's regulations allow an accessory structure up to 200 square feet, and DCR accepted that but stipulated that there must be a variance to allow people to go up to 600 square feet. She added that DCR also requires that there be clear construction standards for those accessory structures. Ms. McCulley offered to have Mr. Pohl answer questions.

Ms. Riley asked for an explanation of Item A, as she felt it was not clear.

County Engineer Frank Pohl explained that when there is a development near a floodplain, the County typically liked to see discharges to a channel instead of into an area where there were no channels. He said that this change allowed improvements to the floodplain with an effect to floodplain elevations or limits, to build a channel to a creek. Mr. Pohl stated that the County had quite a few projects that came in that were right up against the floodplain, had nowhere to

discharge, and did not necessarily have a channel. He said that some type of channel to the creek must be provided, and this allowed that to occur.

Mr. Pohl stated that it would be a design structural channel, with consideration to velocities and flows, but it would be a controlled release. He said that without this, a developer could potentially build just a large spreader swale, and if they met regulations, they would not need to do anything further. Mr. Pohl stated that if they go back to forested condition under an "adequate channel rule" for developments, the limits of analysis stop at the release point of the facility – and it would not have a channel to get to the creek. He commented that he would prefer to have something that's a structural designed conveyance channel to a creek, and he has been trying to find the allowance in the code – and it doesn't specifically say "storm water conveyance channels," so he felt it should be added.

Mr. Lafferty asked if Item E was referring to a structure in the floodplain.

Mr. Pohl responded that it was referring to structures, and currently the County allowed up to 200-square-foot non-habitable structures, such as sheds, but FEMA allows up to 600 square feet so the County must provide for that. He noted a special use permit would be required if a structure exceeds 600 square feet, so it would not be a by-right use.

Ms. McCulley referenced a table of uses in the floodplain, with the only accessory structures allowed in the floodplain being structures accessory to a permitted recreational use and structures accessory to a permitted agricultural use. She stated that those could be accessory to an Ag use or by-right in the fringe – but not in the floodway. Ms. McCulley said that FEMA would allow some residential and non-residential structures in the floodway fringe, but the County does not for new construction.

Ms. Spain asked what "fine grading" is.

Mr. Pohl responded that it was basically a balanced cut-fill site, so a developer cannot bring in fill, with no changes to the floodplain elevation or the horizontal limits to the floodplain. He explained that grading for recreation areas is allowed in the floodplain, but the County does not want to see additional topsoil brought in that could impact floodplain elevation. He stated that it is a volume consideration, and if the volume of air or dirt – the void space – is filled, it could impact the horizontal limits or elevation. Mr. Pohl said that fine grading did not have that clarification, and there was recently a recreation facility that challenged how that was determined, so this clarified that item.

Ms. McCulley reported on Neighborhood Model setbacks, which had several amendments, and stated that Deputy Zoning Administrator Ron Higgins was available to answer questions. Ms. McCulley said that as the County applied these, they realized that some things such as maximum front setbacks adjacent to the interstate made no sense, so this eliminated those items. She stated that this was originally adopted June 3, 2015, so there have been two years of experience that reveal a few necessary refinements. Ms. McCulley said the first illustration showed that the infill measurement was taken along the same side of the street as the subject property and clarified which building was used for determining the infill setback, as it did not make sense to measure it from a shed – but the language was not clear about that. She noted that staff was proposing to use language that is a defined term in the ordinance, which is "main building," for the purpose of measuring infill setback. Ms. McCulley stated that the next item clarified that minimum garage setback applied to both attached and detached garages. She noted that there is a practical amendment clarifying that step-back applied to each building story

above 40 feet or the third story, whichever was less, and she referenced a diagram from the ordinance.

Ms. McCulley said the subdivision text amendment has also been clarified with new language pertaining to lot frontage that now contained "existing or proposed" public street.

Ms. McCulley reiterated that it would be best to remove the amendments related to "rest home, nursing home, convalescent home, and sanatorium," so there is more time to clarify with the Department of Social Services that they were not inadvertently eliminating a necessary use.

Ms. Spain stated that she would advocate for including "hospice," as it was more similar to what was being described with those uses.

Mr. Keller commented that given societal trends, it was a definable entity separate from those things – as one of the other facilities could be a hospice, but many communities have a standalone hospice.

Mr. Keller opened the public hearing.

Mr. Williamson addressed the Commission and stated that on June 13, he posted a blog post related to "bad housekeeping," citing concerns with the dense amendments being considered – as his count was 30 items. He stated that County staff saw his blog post and corrected him, as the section he referenced was not what he thought it was, and that was because it was buried in the text. Mr. Williamson apologized for the error and suggested that the Planning Commission and Planning Director put "housekeeping in June" in the work plan on an annual basis, emphasizing that this had a lot of important things in it but got lost because of its size – with 40 ordinance amendments coming forward that contain critically important detail.

Mr. Keller commented that Mr. Williamson offered a good idea.

Ms. McCulley agreed.

Mr. Blair also agreed.

Mr. Keller asked if it could be a section in the annual report, or an appendix to it, so there was a fixed place that it occurred over time.

Mr. Dotson stated that the annual reports he has seen in recent years had a list of zoning text amendments that had already been acted on in the past year, and he was not sure if the suggested new approach would also include pending items.

Mr. Blair suggested that the annual report include upcoming housekeeping amendments, and that could be a way to keep it on a regular schedule and explain minor revisions, integration with State Code, grammar and punctuation errors, etc. – which could be brought to the Commission with a subsequent hearing after the annual report.

Mr. Keller commented that State Code changes were usually effective July 1, with the annual report coming out in the fall, so they could have gone through the process and ideally had already made the modifications if the report were after the July date.

Mr. Gast-Bray stated that he has noted the concept and he was hearing from them that this needed to be regularized, so that people expect it and can prepare for it – so there is less disruption when it is actually done, as well as forcing some rigor. He said that staff would need to check on the actual mechanism by which this would be accomplished, as he wanted to make sure all the processes were appropriate. Mr. Gast-Bray agreed that the longer they were out of date with items, even if they were just minor housekeeping items, the more potential there was for problems.

Mr. Keller asked if there was anything else, Commissioners wished to discuss with the modifications.

Mr. Dotson stated that he did not know that "advertising vehicles" were recognized in the ordinance, and for future consideration, he wanted to know if there was any cap on the size of the graphics that could be on a vehicle. He said that if they thought of a vehicle as a building, they would not let an entire building façade be a sign – but that does happen on vehicles.

Ms. McCulley responded that the closest thing to that would be if a manufacturer's profile has been modified, such as with a sign vehicle, that would not qualify as a permitted advertising vehicle. She stated that in terms of text size and what was permitted as an advertising vehicle that was part of someone's transportation, they do not regulate that.

Mr. Dotson reiterated that if they thought of it as a building that was limited to four by eight feet, for example, perhaps advertising vehicles could have those same limitations. He said that with a related item, he felt that "temporary industrialized building" did not adequately address this item – and he suggested that they use the language in the explanation of the item, which was "temporary mobile office or trailer."

Ms. Spain commented that with advertising vehicles, she assumed that many of the concerns arose from a specific example, and asked staff if there was an incident that flagged this item.

Ms. McCulley clarified that the County has not regulated vehicles used in a business that were parked in an approved parking space for that business that advertise that business. She stated that what became a problem was a roofing company that parked a vehicle beside a road with a high volume of traffic, with very large letters advertising that company. Ms. McCulley said they were transacting no business at the location where it was parked, and the County followed that vehicle north and south. She stated that the issue made it to civil court, and the company's attorney pointed out a conflict in current regulations – with Assistant County Attorney Andy Herrick reviewing it and agreeing there was too much overlap between what was permitted and what was prohibited.

Mr. Keller stated that when Mr. Higgins was talking about this during the sign discussion, there was some conversation as to a vehicle that did not run anymore, was not inspected, and may have flat tires – and he asked how this change might affect that.

Ms. McCulley responded that those were never allowed, and this modification clarifies what is conflicting language between when it is permitted versus when it is prohibited.

Mr. Keller asked if there were further comments prior to someone making a motion.

Mr. Blair asked if the assumption was to remove "nursing homes" from the language, as previously discussed.

Mr. Keller responded that it was, and asked if it should be stated in the motion, such as "all of the above except nursing homes."

Mr. Blair stated that because staff recommended its removal before an official motion was made, they could operate on the assumption that it would not be part of the motion.

Mr. Keller asked Ms. McCulley if staff would also look into "hospice."

Ms. McCulley responded that they would have that answer prior to returning for public hearing.

MOTION: Mr. Dotson moved that the Planning Commission recommend approval of ZTA-2016-0006 and STA-2016-0003, except for the portions dealing with "nursing homes, convalescent homes, sanatoriums, rest homes, and hospice." Mr. Lafferty seconded the motion, which passed unanimously 6:0 (Firehock absent).

Mr. Keller thanked Ms. McCulley and staff for all of their work on this item. He asked staff how many meetings the Commission may need to add to their schedule for the rest of the year in order to accomplish this.

Mr. Gast-Bray responded that at least July would be clarified as of June 21, and there would be a general guideline as to how this would evolve over the summer – but given how tight schedules were, there may be some shifting.

Mr. Keller clarified that he was referring to the possibility of an additional meeting per month from now until the end of the year, to deal with just these kinds of issues, and asked if that was a fair assumption.

Mr. Gast-Bray responded that this option has been made clear to the Board of Supervisors, but they had not acted in the same manner – so he did not think this would happen until August at the earliest, and the Board had not committed to a schedule because of the need for joint meetings.

Chair Keller said the meeting would move to the next item.

Committee Reports

Chair Keller invited committee reports.

Ms. Riley reported that the 5th and Avon Street CAC had met, with a presentation by Mr. Kreb, a former UVA student in the planning program regarding the trails from Charlottesville to Monticello – with a proposal of a few alternatives and a general discussion about them.

Mr. Dotson reported that the Places 29 Rio CAC would hold a field trip on June 23 to drive around the Rio/29 area, with staff, developers and committee members, to examine sites available for future development. He asked Commissioners to contact Emily Kilroy if they wished to attend.

Mr. Dotson reported that the Public Recreation Facility Authority had run out of time to discuss more formally recognizing public input as part of the process on donated conservation easements, so they would address it at their next meeting, which would take place on July 13.

Ms. Spain reported that she had not attended the Places 29 North meeting, but she learned from Supervisor Norman Dill that the agenda for that evening included a presentation by two staff members at TJPDC about the bike and pedestrian pathway plans for the County – and they presented their whole consolidated plan.

Mr. Keller reported that he had participated in the Hydraulic CAC drive-around, and it was interesting to observe plans for the area.

There being no further committee reports, Chair Keller said the meeting would move to the next item.

Review of Board of Supervisors Meeting – June 14, 2017

Mr. Gast-Bray reported that the Board of Supervisors meeting on June 14 included ZTA 2016-0007 on utility-scale photovoltaic generation facilities, which was approved as recommended by the Planning Commission.

Mr. Gast-Bray reported that they wanted to approach the Rio/29 process in pieces, but did not want to fracture it to the point that they got off track timewise. He explained that staff came to the Commission in February and showed the Phase I results, endorsing the Phase I plan – which encompassed the vision of nodal development and concentration on Rio/29. He stated that both the Commission and the Board embraced the walkable node concept, and the next piece was developing workable development possibilities for Rio/29 – with a number of possibilities investigated that included considerations of density, transportation infrastructure, economic development, building size and scale, etc. Mr. Gast-Bray said those options were put forward and the Commission would be seeing the result of the first charrette, which had included 10 options and ended up with three choices that represented different densities and amenities. He stated that those items would be fleshed out so they become more detailed, with the Commission considering them in July and selecting a preferred alternative, selecting which option this pilot project should be. Mr. Gast-Bray said the preferred alternative would be considered in terms of phasing and impacts and differences within aspects such as the number of blocks and streets yielded significant differences with things like transportation.

Mr. Gast-Bray clarified that they needed a preferred alternative that basically captured what people wanted to achieve in the public process, and that would be brought to them for a joint work session with the Board in August. Mr. Gast-Bray stated that there would be one concept chosen that would be further expanded upon, possibly to the point of doing a fly-through in August. He stated that the goal was to have a chosen, selected version that could then go through official modeling, including economics – with different housing choices, the nature of the gross business categories to be included, and transportation it will generate. Mr. Gast-Bray pointed out that the hope was for this modeling to dovetail with regional modeling, so that every time a traffic impact assessment is brought forth, for example, it would have a common frame of reference rather than having different parameters.

Mr. Keller asked him to discuss the new UVA grant, as he had been in the queue to sign off on a transportation grant for Albemarle County.

Mr. Gast-Bray responded that he was not prepared to comment on the item tonight but would bring it to them later.

Mr. Keller noted that it was related to the urban village development small area plan.

Old Business

Chair Keller invited old business. There was none presented.

New Business

Chair Keller invited new business.

Mr. Lafferty asked what had caused the Clifton Inn special use permit to fail.

Mr. Gast-Bray responded that he did not have details on that item at this point.

Mr. Keller commented that the tentative date for the work session with the Board was August 15, and the Commission's next regular meeting would be July 11.

Mr. Dotson mentioned that he would not be present at the July 11 meeting.

Adjournment
Mr. Lafferty moved to adjourn the meeting, which passed by unanimous voice vote (6:0).

There being no further business, the meeting adjourned at 8:00 p.m.

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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:
Initials: