**Albemarle County Planning Commission**
**July 11, 2017**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 11, 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; Karen Firehock; Bruce Dotson; and Bill Palmer, UVA representative.

Other officials present were Will Cockrell and Wood Hudson (Charlottesville/Albemarle – MPO), Francis MacCall, Senior Planner; Bill Fritz; Manager of Special Projects; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission; and John Blair, Deputy County Attorney.

**Call to Order and Establish Quorum**

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

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

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

Mr. Max Somers, resident of Charlottesville and a member of Boy Scout Troop 27 sponsored by the Church of Jesus Christ of Latter Day Saints located next to the airport, addressed the Commission. Mr. Somers asked his fellow troop members to stand and be recognized, stating that they were present because they are working on their Citizenship and Community merit badges and wanted to learn how county government functions.

Mr. Keller welcomed Boy Scout Troop and explained that as the agenda proceeds, there would be an opportunity for them to come up and ask questions.

**Consent Agenda**

**Approval of Minutes:** December 21, 2016, January 18, 2017, March 21, 2017, April 11, 2017 and May 23, 2017.

Mr. Dotson moved to approve the consent agenda as presented. Mr. Lafferty seconded the motion, which passed by unanimous acclamation vote (7-0).

**Presentation: Update of the 2045 Long-Range Transportation Plan (LRTP)**

Mr. Will Cockrell introduced Wood Hudson, a Planning Manager at the Thomas Jefferson Planning District Commission, and stated that they would talk about the long-range transportation plan. Mr. Cockrell said the last plan was adopted in May 2014, and several current Commissioners had been involved in that process. He stated that they have kicked off the new update and there is no action item for the Commission at this point, as this was just an informational step that would serve as a primer for what he brings back to the Commission in several months. Mr. Cockrell stated that Metropolitan Planning Organizations are part of the Charlottesville-Albemarle MPO and are federally designated entities for urbanized areas of

50,000 people or more. He said that in Virginia there are 15 MPOs, with any transportation projects receiving federal funding required to go through the MPO planning process – with regional planning among localities that are part of the MPO. Mr. Cockrell stated that the Charlottesville-Albemarle MPO is intended to serve as a forum for collaboration between localities and state agencies, and the policy board overseeing the local MPO included two members from the Board of Supervisors, one from City Council, and one from VDOT. He said that they have the legislative power to approve plans to hire an executive director, etc.

Mr. Cockrell stated that on the MPO committees, there are Commissioners who have served on these committees, including a citizens' committee that is intended to represent different areas of the community and provide feedback on transportation planning. He said there is also a technical committee comprised mostly of staff that looks at more technical aspects of transportation planning in the area, with efforts towards corridor planning and other plans, but specifically on the LRTP.

Mr. Cockrell said there were several core documents the MPO was responsible for that highlight the importance of MPOs, and the LRTP was the most important thing they do. He stated that the current LRTP would be approved in May 2019, as this is a five-year update, similar to the Comp Plan update – and it also covers a 20-year planning horizon. Mr. Cockrell said this was very similar to a Comp Plan but focuses on transportation and transportation projects that would get federal funding. He stated that with the update this year, there were no Federal Highway Administration or Federal Transit Authority requirements this year. He stated that there was a "lessons learned" document stemming from the previous plan in 2014, with the Commission providing significant feedback, and they took that feedback along with new federal requirements and adjusted the process accordingly.

Mr. Cockrell stated that the LRTP was important and there were many clear examples currently that came straight from the plan, including the McIntire Road interchange in the city, the John Warner Parkway, the Best Buy ramp improvements, the Rio/29 grade-separated interchange, the widening of US 29, the Berkmar Drive extension, and Hillsdale Drive extension. He reported that the MPO just received funding approval for improvements at Exit 118 and Exit 124, which both came from the LRTP. Mr. Cockrell mentioned that JAUNT and CAT are included in transit planning through the LRTP, with those agencies' services and capital required to be part of the planning process in order for them to qualify for federal funds.

Mr. Wood Hudson stated that he would present an overview of the construct for the two-year planning process at the MPO, stating that he would highlight eight major tasks pursuant to the process. Mr. Hudson reported that the first task was background – which has been largely completed up to this point – looking at community demographics, how things have changed, what the trends are showing, and how this will influence the future planning needs in terms of demand for services for transit, para-transit, bike/pedestrian transit, and general population growth and demand for single-occupancy vehicles on regional roads. He stated that a key component was goals and objectives for the plan, and this would go before the MPO committees this month, with goals and objectives used to inform our measures and metrics process, which sets up the modeling process. Mr. Hudson said that planning in the transportation realm was increasingly a quantitative and data-driven process whereby community measures were developed, which had to tie into things like Smart Scale – the state's process for funding competitive transportation processes – and federal guidance that must fit in regarding planning factors, performance measures, and target setting that all has to be distilled, tweaked, and formulated into one coherent planning document.

Mr. Hudson reported that prioritization and ranking were the key output elements from this process, whereby they take all the projects and do scenario planning, working with the city, county, and stakeholders, identify projects and bundles of projects, run them through the process, see what the outputs are, assign dollar figures. He said they then whittle them down to a final list that goes through various processes, including stakeholder engagement, with the MPO reviewing it and two public hearings held – with public engagement throughout the process as a key component of the LRTP process. He stated that the last LRTP lessons learned document mentioned that perhaps there could be more of this and perhaps the process was not as visible as it could have been.

Mr. Hudson said that staff has taken that lesson to heart and has been engaging with the CACs, especially on the bike/ped planning process, which feeds into the LRTP umbrella. He noted that they would be coming back to the CAC with engagement strategies and components, and were enhancing their social media engagement efforts – recently releasing a two-part video series documenting what an LRTP is, why the process matters, why you should care, and how to engage in the process. Mr. Hudson stated that all MPO meetings are open to the public, and they encourage people to attend and engage with the committees. He said they would also be public open houses with maps and other tools to encourage engagement in the LRTP process.

Mr. Hudson reported that the deadline for an approved plan was May 2019, and they were on track with goals and objectives, planning to return to the Commission some time in November as they gear up with performance measures and the quantitative side of things. He stated that they would continue to have committee meetings and refine goals and objectives, and next steps would include hot spot analysis and looking at things like where the existing congestion is, where major safety concerns were evident, and where bridge and road deficiencies existed. Mr. Hudson stated that the goal was to identify all of those areas so they could start overlaying them and see what projects were in the last LRTP that were in line and looking at the feedback system to ensure it was ready to go when the modeling side of things got underway.

Mr. Cockrell stated that the informational video was compiled by Faruk Hesenjan on the TJPDC staff, with a goal of taking complex transportation plan information and boiling it down to something more tangible for people to understand. He said that staff also wanted to break the LRTP document up and have it be more of a “family of plans,” and with the past LRTP and what is common with these plans is for bike/ped and bridge analysis to be more of an afterthought, as the focus has been more on roads. He said that this year, the MPO is having the processes happening in tandem or in parallel. Mr. Cockrell reported that they were updating the region’s bike and pedestrian plan, which is for the MPO area and the rural area, with very intensive efforts on bike/ped improvements throughout the region. He said they were doing a regional transit partnership between the County, City and JAUNT – and as part of that, the state was doing transit development plans, which would be done in unison with JAUNT and CAT and integrated into this plan. Mr. Cockrell noted that there would also be a regional bridge report completed.

Mr. Cockrell stated that some LRTPs are about 400 pages, which were not looked at very often, and this year they want to make it really concise and easy for decision makers to use. He said that when TJPDC staff returns to the Commission in November, they would be discussing different aspects of the plan and would be addressing the transportation/land use connection, as they were two sides of the same coin. He stated that later on they would come back with project lists and start to solicit feedback on how the different transportation options would meet the needs of the County and the region. Mr. Cockrell said this was a two-year process and this was

the beginning, with not much content available to present yet, and the Planning Commissioners were very important stakeholders to include in this effort.

Ms. Spain thanked him for the informative and succinct presentation, and she confirmed that Kevin McDermott and Zach Herman from TJPDC had made a presentation at the last Pantops CAC meeting, which was very well received with one exception – the divergent diamond at Exit 124 on I-64. She stated that the residents of Ashcroft were very concerned about the divergent diamond approach because they have only one entry into and out of the neighborhood, and once the divergent diamond went into effect, they would have an even more difficult time with access. Ms. Spain asked where that plan stood in the timeline, or whether it was already a done deal.

Mr. Cockrell explained that the Exit 124 project was already in the long-range plan and went into the Transportation Improvement Program (TIP), with funding already approved for it. He clarified that this did not mean there would not be any changes to it, and part of the funding received was to finish the design and buy the right of way in the southeast corner that was needed for it. Mr. Cockrell stated that TJPDC staff noted the issue and raised it as a concern with VDOT, asking them to work with the neighborhood when they get to that point. He said that in terms of timeline, even though it is approved for funding, construction would not begin until 2026. Mr. Cockrell said the MPO was emphasizing to work the design in a way that it will not inconvenience that neighborhood.

Ms. Spain noted that an Ashcroft resident had asked her who they should contact to make their concerns known.

Mr. Cockrell responded that Kevin McDermott might be the best person.

Ms. Spain said that is what she had told her constituent.

Mr. Cockrell mentioned that Joel DeNunzio of VDOT would be another contact.

Ms. Spain asked what the word “intimal” meant, as it was used with the first task on the timeline.

Mr. Cockrell replied that he was not certain.

Mr. Gast-Bray stated that it means “initial.”

Mr. Lafferty asked Mr. Cockrell to comment on transit between Charlottesville and Waynesboro, as there had been some study on it.

Mr. Cockrell responded that there had been an interregional transit study done by the Central Shenandoah PDC, and the TJPDC was also involved in that process – with Mr. Hudson managing a different process on the I-64 corridor. He stated that the MPO was looking into transit service between Charlottesville and Staunton since there was a lot of commuting back and forth between those two regions, with the first phase completed and some recommendations to go into a next phase to consider specifically how those needs can be met and what services could be provided. Mr. Cockrell noted that JAUNT and CAT had been involved in those efforts, as well as ETS. He emphasized that they wanted to integrate road transit and bike/ped projects as much as possible, and Berkmar Drive, for example, had sidewalks and a mixed-use trail, the widening of 29 had a brand new mixed-use trail that helps

complete part of the North Town Trail plan. Mr. Cockrell added that the TJPDC would like to work more with Staunton in the MPO area and beyond.

Ms. Riley asked if they were also looking at rail as part of transit studies.

Mr. Cockrell responded that they were working with Amtrak and the property owner at the Amtrak station downtown to look into what types of additional services and amenities they could have there. He said that in terms of commuter rail service, it was not being considered at this time, and they were focusing instead on how to make bus service as good as possible – either bus rapid transit or typical transit service. Mr. Cockrell said there would be representatives in the partnership from the Board of Supervisors and City Council, which would commence in August of this year. He stated that they would be working to pull together an actual transit vision for the entire region – not just for CAT and JAUNT. Mr. Cockrell noted that Board members and others were welcome to attend those meetings.

Mr. Dotson said that Mr. Cockrell had mentioned that staff had completed a draft of goals and objectives, which would be going to the MPO Policy Board soon, and he wondered if they would be adopted at that point or referred out for public comment and Planning Commission comment.

Mr. Cockrell responded that the TJPDC had run a couple of them through the committees and through the policy board, and were hoping to get approval this month – but they also wanted to get feedback on the goals and objectives, so it wouldn't be a final approval but would be more of an approval in concept.

Mr. Dotson noted that there was an advantage with bodies like the Planning Commission to bringing direction-setting items before them to get feedback and give Commissioners a chance to discuss it, which was different than doing something like an online survey. He emphasized that he hoped they could provide input on goals and objectives, the different scenarios considered, and the performance measures that would connect them. Mr. Dotson emphasized that the request to keep in mind was the benefit of a body discussing them instead of individuals responding.

Mr. Hudson commented that the TJPDC sees the representatives who are on the MPO committees and are members of the Commission as being the primary conduits for communicating that information to bodies like this, to ensure there is a continuous dialogue when TJPDC staff were not before them giving a presentation. He said they want to make sure that information is flowing, including updates, and they can cross-pollenate as they proceed with various planning efforts.

Ms. Spain commented that she had just driven on the Berkmar extension last week and it was very impressive, and she noted there were very few cars on it. She asked what was being done to notify the public that it is an option now and also wanted a reminder as to why there was no connection to Ashwood Boulevard.

Mr. Cockrell responded that the Ashwood Boulevard connection was discussed during the LRTP update, and even when a few projects came off the LRTP because they were dismissed, Ashwood came up again as a discussion item. He said that it was not put on the list purely because the focus was on the existing Route 29 projects, but even at this point when they were getting started with this process for 2019, there are a handful of projects still on the LRTP list that have not been funded yet. Mr. Cockrell stated that Ashcroft was not on the constrained list but was on the list as a potential beginning project before new projects were added.

Ms. Spain stated that she felt this was very important because since that list was made, the Brookhill development had been approved and the people in Forest Lakes were quite concerned about that additional traffic – so if there were some way to relieve that by easy access to the Berkmar extension, that would go a long way toward assuaging their problems. She reiterated her question about how the road opening was being advertised.

Mr. Cockrell responded that VDOT had issued a few notices, but other than that, he was not aware of efforts to advertise.

Mr. Hudson noted that it was not yet on Google Earth.

Ms. Spain asked how commuters on Route 29 would be notified, so they would know to cut in at Hollymead and go all the way down to Wal-Mart.

Mr. Cockrell responded that he would need to check with Chip Boyles, TJPDC Executive Director, to see what was being done and what could be done, and he indicated that he would follow up with the Commission.

Mr. Hudson stated that there were some billboards located along the 29 corridor – north and south of town – that VDOT has been using for general 29 project advertisements, and he was not sure if they planned to repurpose those now to provide additional wayfinding information. He added that Lou Hatter of VDOT could provide better information on this, since he was the lead for the 29 corridor projects.

Mr. Keller thanked him and reiterated Mr. Dotson's point about the benefits of a forum for discussion. He stated that it would be nice if the TJPDC, when they came back before the Commission in the fall, would bring forward ideas that were not already developed – so the Commission could comment on them from the land use and long-range perspective.

Mr. Cockrell responded that the idea with having this early presentation was to hear back from both the City and County commissions as to how they'd like to be involved in this, so they would be back before them prior to ideas being finalized.

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

**Public Hearing Items.**

**SP-2017-00012 Verizon Wireless "Carters Bridge" (Llandaft LC Property) Tier III PWSF**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 11200-00-00-00900
LOCATION: 4319 Scottsville Rd (Route 20)
PROPOSED: Installation of a one hundred and six (106) foot tall steel monopole treetop tower with one (1) antenna array. Associated with the proposal is ground equipment which will be located within a 1,350 square feet fenced compound area and extension of an access road.
PETITION: 10.2.2.48 Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District (reference Section 5.1.40)
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots);
Entrance Corridor: Yes. Flood Hazard – Overlay to provide safety and protection from flooding
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas – preserve and protect

agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots) (Francis MacCall)

Mr. MacCall addressed the Commission and stated that his position is in the Zoning Division, and the particular towers that were part of this application were new to him – but Bill Fritz and the applicant were available to answer additional questions – and he noted that this was a Tier III application under the County's ordinance. Mr. MacCall reported that this application was for a personal wireless service facility on property located near Walton Middle School on Route 29 South just north of the Carter's Bridge crossing. Mr. MacCall pointed out that the site is located in the Southern Albemarle Rural Historic District and along a Virginia Scenic Byway, which are the two factors pushing this application into the special use permit category.

Mr. MacCall said the property is about 19 acres and the site was about 800 feet from Route 20. He pointed out the entrance location from Route 20, noting that the facility was utilizing an existing entrance that services an existing tower, which is about 118 feet from the closest property line. Mr. MacCall stated that the tower is proposed to be about 106 feet and was just under 9 feet above the tallest tree within 25 feet, which would have allowed it to be Tier II, but the factors he had already mentioned regarding the district and byway location made this a Tier III. He explained that the antenna would be flush-mounted and there will be a lease area of 1,350 square feet at the bottom.

Mr. MacCall reported that he and other staff members had gone out to the site to do some balloon/photo tests of the site, with several locations used – one along Route 20 at Carter's Bridge, and one at Walton Middle School. He presented several images from the tests. Mr. MacCall noted that Walton Middle School actually had an existing facility on the property, and the proposed tower was highlighted in his presentation. He said that the photo simulation shows that he tower is a lot more visible from Walton, but given the distance it was not a major issue and it disappears from view. He also mentioned that Route 708 was not the entrance corridor or the byway.

Mr. MacCall stated that the staff report outlines favorable and unfavorable factors, and staff recommends approval with the one condition as outlined in the staff report.

Mr. Dotson commented that he was interested there was an existing facility and a new one, and that they were sharing an access road so there is less disturbance – but he was curious about the fate of the existing tower.

Mr. MacCall responded that it was a different provider, but that tower would continue its use and the regulations allow for three facilities within 200 feet.

Mr. Dotson asked if that was an attempt to avoid "tower farms."

Mr. MacCall responded that he thought that was the case, but Mr. Fritz would provide more details.

Mr. Fritz explained that when the policy was adopted, the idea was for both vertical and horizontal colocation – with vertical designed for multiple users on one tower and horizontal designed so there could be one access road and a clustered area with minimized visibility. He commented that this had been fairly successful, and staff felt that this was one of those sites that would take advantage of that horizontal colocation.

Mr. Dotson stated that he could not find the existing tower in the photos and simulation.

Mr. MacCall responded that the existing tower had been approved in 2012, and there had been some tree growth since then, but it was in the avoidance area and was not as visible in the photos. He mentioned that it was also not visible as you approach the site.

Ms. Firehock pointed out that the photos are taken this time of year, so when the leaves are off the trees, any cell tower was visible to some extent – and asked if staff still felt that it was within the conditions for approval.

Mr. MacCall responded that he did, stating that the facility met all the techniques to hide it – coloring, flush-mounting, etc. – so it was very similar to the proposed tower.

Ms. Lori Schweller of LeClair Ryan, the legal firm representing Verizon Wireless, addressed the Commission and stated that Stephen Waller, who prepared the application on behalf of Verizon, was also present to answer questions. Ms. Schweller reported that this site would comply with all the siting and design standards and restrictions of a Tier II treetop facility, and the reason Verizon is requesting a special use permit is its location in an historic district – which is an avoidance area under the ordinance and thus moves it into Tier III with a special use permit. She noted that they were not requesting any special exceptions because they do meet all the standards.

Ms. Schweller stated that the community meeting had only three individuals, including Mr. MacCall and Ms. Riley, and Supervisor Rick Randolph had asked Verizon to provide coverage details. She presented a propagation map of the area, noting current coverage levels and what would change with the new site, with this facility providing coverage in the northern area where there is unreliable or no coverage. She stated that the other sites proposed were being worked on by the RF engineer at Verizon Wireless, so there were additional efforts for better coverage. Ms. Schweller stated that only three trees would be removed to provide space for the new facility, and the tower was just 8.5 feet above the reference tree. She said they did meet the performance standards for distance to the back of the antennas for standoff, and both the pole and antennas would be brown. Ms. Schweller referenced the balloon test photos, stating that the middle of the six-foot balloon was the top height of the monopole, with photo simulations and views from Viewmont Farm and Red Hill Road, as well as from Secretary's Sand Road. She stated that it was difficult to see the facility from Scottsville Road and other locations, and for the most part, it was hidden in the trees.

Ms. Schweller offered to answer questions.

Mr. Lafferty stated that Verizon had done a good job of placing this facility, and he appreciated the propagation patterns presented to show the extra coverage provided.

Ms. Riley said she was able to attend the balloon test, which she found educational, and it took someone pointing out the existing monopole for her to see it – as it was camouflaged. She said that she had asked why Verizon did not just add onto the existing monopole and why another was needed, and asked Ms. Schweller to reiterate that point.

Ms. Schweller responded that if the facility were strong enough and built to be extended, it could be extended and another carrier could be added. She said the policy in Albemarle County is to prefer, as Mr. Fritz was explaining, horizontal colocation versus vertical colocation – which is different from most other localities in the state. Ms. Schweller stated that either with vertical

colocation the initial monopole would be built at a required 199 feet or at a preferred 199 feet so additional carriers could be collocated on that pole, to reduce the proliferation of wireless sites. She said that Albemarle's policy is to make monopoles as minimally visible as possible.

Mr. Keller stated that he travels down Carter's Mountain Road weekly, and this is an area where calls are always dropped. He said that the other tower is not visible here, and he knows the parcel and has tried to see the monopole. Mr. Keller commented that given the rural qualities of Albemarle, the policy of having lower poles is important, especially in the rural historic districts.

Ms. Riley stated that she has heard from people who live in the area or travel Route 20 that very spotty phone service is an issue and they want better coverage. She said that she also feels the visibility issues are fairly minimized with this proposal, and the need for the service outweigh the visibility – with the "worst case" visibility issue being on Red Hill, where there is already a pole located right at the school.

**MOTION:** Ms. Riley moved to recommend approval of SP-2017-00012 Verizon Wireless "Carters Bridge" (Llandaft LC Property) Tier III PWSF with the condition as outlined in the staff report. Ms. Spain seconded the motion, which passed unanimously (7-0).

Mr. Keller said the meeting would move to the next item, ZTA-2017-00004 Farmer's Markets.

**ZTA-2017-00004 Farmer's Markets.**
The Planning Commission will hold a public hearing on July 11, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: amend Section 18-5.1.47 to establish sketch plan regulations for farmers' markets that address access, on-site parking, outdoor lighting, signage, and minimum yards; amend Sections 18-10.2.1 and 18-10.2.2 to establish farmers' markets as a by-right use in the Rural Areas zoning district; amend Sections 18-12.2.1 and 18-12.2.2 to establish farmers' markets as a by-right use in the Village Residential zoning district; and amend Section 18-35.1 to establish that fees for farmers' markets are matters considered by the zoning administrator or other officials rather than fees for a special use permit. 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. (Bill Fritz)

Mr. Fritz reported that this zoning text amendment for farmer's markets has two components to it – the first is to change the site plan or sketch plan submittal requirements, and currently what's required is a site plan, with an applicant asking for relief from the full details of that plan through the review process. He stated that this requires it to go before the site review committee even if they do not need it. Mr. Fritz said that most of the farmer's markets are in the rural areas, and the service authority did not need to review them.

Mr. Fritz explained that the recommendation with this ZTA is for the County to stipulate to the applicant what needs to be on the plan, and a plan with that information is submitted. He stated that this allowed for the right information at the right site, and if there is a site requiring a comprehensive site plan, staff could require that – and if it's a site that already has a parking area and nothing needs to be done to the site, then a simple sketch plan to document what's there now is all that would be needed. Mr. Fritz said there is a "one-size-fits-all" solution now in trying to make the site plan work out, and this is something the County already uses for a variety of things in the ordinance, and it works very well.

Mr. Fritz stated that staff did not have a recommendation for making farmer's markets a by-right use in the rural areas and village residential areas. He said that was somewhat supported by the Comprehensive Plan because it encourages a rural economy; however, it had not gone through the full formal review process for a ZTA. Mr. Fritz explained that this was put before the Commission and Board because there was some interest in doing this expressed while they were working on the other component of the farmer's market ZTA. He stated that there are no size limits, so the only limitation or protection would be through the site plan provisions; there are also no hour limits, parking size limits, etc.

Mr. Fritz said that because this has not gone through a thorough review, staff has no recommendation of support or opposition to making it by right. He stated that the Commission could keep it as a use by special use permit; could support it becoming a use by right; or could direct staff to do some additional work on it – including public outreach – to address provisions for by-right farmer's markets. Mr. Fritz said if they were to choose the last option, it would be rolled into the workload that currently has 27 or 28 other ZTAs, so it would not be immediate.

The Chair opened the public hearing.

Ms. More asked if, for the first part of the request for the site plan submittals, staff would stipulate specifically what an applicant needed.

Mr. Fritz responded that staff would indicate what information was needed and at what level of accuracy, as sometimes, an amateur drafter can do it but sometimes an engineer is needed.

Ms. More asked if they would take the proximity near a road as a consideration.

Mr. Fritz replied that they take a lot of things into account, including the grade, the entrance location, how complex installing an entrance might be, relationship with adjoining properties, streams, slopes, etc.

Ms. More asked if this would apply to a site that already had a farmer's market in operation and wished to expand.

Mr. Fritz responded that it could, and staff could request just a small amount of additional detail to show what the expansion might be – or they might request a lot more detail if there were concerns. He stated that each application would be addressed separately, but that level of detail is currently requested anyway.

Mr. Keller opened the public hearing.

There being no further public comment, Mr. Keller closed the public hearing.

Ms. Firehock stated that at this point, she is very much in support of the proposal put forward by Mr. Fritz for staff to determine the level of detail needed, regardless of whether it was a complex site. She mentioned that Shimp Engineering had donated their time to do a site plan for the new farmer's market at Red Hill, a site that has a gently sloping field with plenty of good access and visibility. Ms. Firehock said she would have some concerns with by-right farmer's markets, and if were by-right, she would like to see a cap put on the number of vendors and the square footage it could occupy. She commented that the rural areas have a lot of small lots interspersed throughout, so it would be possible to have a farmer's market in a rural area that caused quite a burden – especially if it was successful. Ms. Firehock stated that she is in support of farmer's

markets, but in the right place at the right scale, and she did not know if they had enough good information to get to the by-right recommendation. She said that this needed more analysis, but she was thinking of a possible 20-vendor limit, not to exceed an acre. Ms. Firehock stated that she was looking for more language in terms of what the by-right use would entail.

Mr. Fritz responded that staff was currently dealing with a lot of ZTAs and wanted to keep them all moving forward, and they realized that if they were to do a thorough amendment, it would delay the more straightforward component.

Ms. Firehock said that even getting it to a sketch point whereby staff could help the applicant determine what was required would make the process easy enough that it wouldn't be daunting, and she did not feel it needed to be a by-right process.

Mr. Lafferty agreed.

Ms. Spain said that she also concurred.

Mr. Dotson stated that he would support the sketch plan approach, and there is the safety valve of an appeal, which he assumed would be available to the other instances where a sketch plan was used.

Mr. Fritz responded that staff did not find an appeal provision and planned to come back and fix that issue, as it was not covered by the ROI that they had.

Mr. Dotson said that he agreed there was very little analysis offered for making this by-right, and his opinion is "if it ain't broke, don't fix it." He noted that there were several farmer's markets in the community – downtown, Crozet, Garth Road, Stonefield, Red Hill, etc.

Mr. Keller added that there was also one in Scottsville.

Mr. Dotson commented that it didn't seem the system was impeding the use, and if they were to go into it, they may want to go in a bit further, because in looking at the existing ordinance, it concerns him that the only requirement is for the two vendors to be farmers in Albemarle – but they could be selling things from any place. He said that he was not enthusiastic about fixing it, because it did not seem broken.

Ms. More stated that she had no issue with the site plan submittals, and someone must think it is worth bringing it to the Commission to consider provisions for by-right use, so she would be open to that. She said that with the example of the Red Hill site benefitting from an engineer donating time, it would be unfortunate for another applicant who did not have someone to offer pro bono work – and she would like to see how many markets in operation might have been under a threshold where anything above that required a special use permit.

Ms. Riley stated that she supports the change to the site plan requirements and the sketch plan, and she agreed that not enough analysis had been done for the by-right approach. She said she also concurred with Mr. Dotson that it doesn't need fixing if it is not broken.

Mr. Lafferty agreed, stating that he agrees with the comments made, particularly in terms of the by-right proposal.

Mr. Keller concurred, stating that he would like fellow Commissioners to provide input on his list of parameters for this: the hours it is open, the calendar for when it is open, the building size, the market size, the site area, the parking size and number of spaces, the number of vendors. He stated that there were always issues with smaller lots in terms of setbacks and relationship to adjacent properties, especially if the markets were in villages within the rural area. Mr. Keller said that one of the Supervisors had spoken about longer hours and a year-round calendar, which would affect the need for lighting. He added that there were also screening and access issues, as well as concerns for site hydrology. Mr. Keller said that staff could come back to the Commission and Board with an idea of some by-right, and the threshold point for special use permits is the expansion question and how it would be addressed for an existing unit.

Ms. Firehock noted that the Nelson County Farmer's Market has music, and the market is located in a big field so it is not really affecting neighboring properties – but she did not want to know if Albemarle should address the issue of amplified/non-amplified music.

Mr. Keller commented that when this type of issue has arisen before, the Board comes back and says there is a noise ordinance.

Mr. Fritz noted that this discussion was intended to develop a list of things like that to discuss.

Ms. More stated that part of the consideration should be the market schedule, as some may want to do a mid-week time in addition to a weekend market.

Ms. Spain said that they should consider the number of times per week and whether it is a seven-day market, because it could turn into a perpetual flea market.

Mr. Dotson added that they should revisit the definition to explore the question of some portion of what is sold actually originates in the County.

Mr. Keller commented that this relates to what they have already been doing with wineries, breweries, and distilleries – so there is some precedent for that.

Ms. Firehock stated that they do not currently have requirements that it has to originate in the County, and in Scottsville's market, they have standardized signs that note the origins of the produce – but there are no rules about percentages.

Mr. Keller asked Mr. Fritz if he could suggest wording for the third alternative.

Mr. Fritz responded that he hears consensus for a motion to recommend the changes to Section 5.1.47, and that the County consider a ZTA review process to potentially make them by-right, but with the limitations discussed today and perhaps others. He stated that staff could summarize the Commission's statements and convey them into a better recommendation for the Board of Supervisors. Mr. Fritz clarified that the Commission's opinion is that there may be some circumstances under which a farmer's market could be done by right, but that needs to be investigated in detail.

Mr. Dotson said it sounded like two motions.

**MOTION:** Mr. Dotson moved to recommend ZTA-2017-00004 for the first part of the motion to amend Section 5.1.47 relieving the site plan requirement for farmer's markets and instituting a

sketch plan as a substitute, with the ordinance as mentioned by staff proceeding to the Board of Supervisors. Ms. More seconded the motion, which passed unanimously (7-0).

Mr. Keller asked Mr. Dotson if he would also make the second motion.

Mr. Dotson responded that he would not, as he favors tabling it until something provides the impetus to look into it, as it sounded to him to be complicated and time consuming.

Mr. Fritz stated that even if they were to suggest to the Board that staff work on this, the reality is it would be a while before they get to it. He said that there is a list of items for further discussion, and staff could add this to the list and revisit it when appropriate.

Ms. Firehock agreed with Mr. Dotson, stating that there was not an existing problem needing to be fix – and the biggest issue was creating a site plan for a few vendors with trucks in a field. She stated that she felt staff had addressed this, and she did not see that there were hundreds of farmer's markets clamoring to spring up.

Ms. More concurred.

Ms. Riley also agreed.

Mr. Fritz stated that staff would express the Commission's opinion to the Board.

Mr. Keller asked Mr. Gast-Bray if he was amenable to this approach.

Mr. Gast-Bray confirmed that he was, noting that the Commission's input is logged and ready for use at a future point in time.

Mr. Keller stated that he listened to the Board's discussion on this matter and they have different views, and this is a good first step to answer some of their concerns.

Ms. More said the primary message to convey to the Board is that the Commission was not in support of the markets becoming a by-right use without any other information or safety measures in place.

Mr. Fritz suggested a motion that would recommend denial of the changes that would make farmer's markets by right.

Mr. Dotson said that language to table it indicates that the issue exists and would be monitored, and if problems emerge then staff has noted all the concerns expressed and would factor those into any analysis.

Mr. Keller asked Ms. More if she wanted to proceed with a motion.

Ms. More stated that they would be recommending denial of this becoming a by-right use, unless the need for further study arose.

Ms. Firehock suggested that it say "unless there was a demonstrated need."

**MOTION:** Ms. More moved to recommend denial of farmer's markets becoming a by-right use in the rural areas unless there was a demonstrated need to revisit the issue. Mr. Dotson seconded the motion, which passed unanimously (7-0).

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

**Committee Reports**

Ms. Spain reported that the agenda for the Pantops CAC meeting agenda consisted of presentations by Kevin McDermott on the transportation plans as summarized by Mr. Cockrell and Mr. Hudson earlier in this meeting. She stated that Dan Mahon from the County discussed greenways, and Zach Herman of the TJPDC were talking about the bike/ped plan, so it was an overall overview of the integration of transportation, greenways, bike and pedestrian access.

Ms. Spain noted that Dan Mahon mentioned that there would be a Rivanna River festival on September 30, 2017, in conjunction with the Rivanna Renaissance meeting on September 29. Ms. Spain stated that the plan is that between Darden Towe Park and Riverview Park, there will be artists, sculptures, musicians, etc. on either side of the river – and you can kayak or canoe down the river to see this. She said that she talked to the Rivanna River Company was typically closed by that time of year, but they were involved in the Friday event with the conference and may be open that day.

Ms. Firehock asked for clarification of the dates.

Ms. Spain responded that the conference was the 29th, and the festival is on the 30th.

Ms. More reported that the Historic Preservation Committee had met at the end of June, and the topic they discussed was the UVA indoor golf facility, which was on the Commission's agenda for July 25. She stated that the facility sits on the Birdwood Plantation property, and staff explained that there is a core to the site and an outer core, with structures dating to different periods of time. Ms. More said that her impression is that it may be worth a field trip to the site, as there are many buildings that fall into different areas – and it was very difficult to tell from the photographs what sort of impacts there might be on the Birdwood Plantation and on the surrounding structures. She stated that the committee developed a list of concerns and considerations they wanted to pass on to the Commission and Board, and staff provided a very thorough presentation.

Ms. More reported that the Crozet CAC met and had a presentation from the Rivanna Water and Sewer Authority and the Albemarle County Service Authority regarding the capacity for Crozet's drinking water, projections for long-range support for the drinking water, and improvements that will be made. She noted that she learned a lot about the structure and service areas of both authorities, as well as information regarding capacity analyses and how they project for future growth and adequate drinking water.

Mr. Keller asked if she would circulate the PowerPoint presentation from that meeting.

Mr. Palmer offered to arrange a tour of the Birdwood site, and asked if they would want to do it before the July 25 meeting.

Mr. Keller asked if they would need to advertise it.

Mr. Gast-Bray confirmed that they would if they were going as a group.

Mr. Keller said that it would probably be easier for the foundation to have them all come at once.

Mr. Palmer agreed, stating that it would be easier to take a group at a particular time.

Mr. Gast-Bray agreed to coordinate a visit with Mr. Palmer.

Ms. More said the committee's feedback indicated that it was difficult to understand the site orientation, and because of the angles of the pictures, it was difficult to assess how close the structures were.

Ms. Firehock suggested scheduling the visit for July 18 since there was not a regular Commission meeting.

Ms. Spain stated that she would not be available then as she would be attending a conference.

Ms. Firehock said that she had attended a community meeting on this the previous night and had been thoroughly oriented to the site, and there were good questions asked by attendees – but she had not yet read the staff report and thus did not have an opinion on it.

Mr. Lafferty reported that the MPO Technical Committee meeting was canceled, but the Hydraulic CAC would meet the week of July 17, so he would have something for July 25.

**Old Business**

**Review of Board of Supervisors Meeting and Schedule** – July 5, 2017.

Mr. Gast-Bray reported that the Board of Supervisors had met on July 5, and of particular interest to the Commission was that the Hydraulic Area Project Advisory Panel had an update that Mark Graham provided to the Board of Supervisors, and it paralleled closely the process with Rio/29. He stated that information is available on the Solutions 29 website, which provides the current status of Route 29 and Berkmar projects. Mr. Gast-Bray stated that the panel was holding a stakeholder meeting/charrette, scheduled for July 27, and any input from the Commission should be provided to representatives on that panel – Supervisor Diantha McKeel and Mark Graham.

Mr. Gast-Bray reported that the Board of Supervisors had also addressed the residential transient lodging item in a work session, and they reviewed the same information the Commission had seen, with the decision made for staff to continue their work.

Ms. Firehock requested that the Planning Commission be made aware of times and dates for the transient lodging meetings, because with the farm wineries item, there were meetings in her own district that she had not been informed.

**New Business**

Mr. Gast-Bray reported that the second charrette on Rio/29 would be held on July 27, and it would be handled similarly to the first charrette, which had occurred in May.

Mr. Gast-Bray reported that the second public hearing for the Hydraulic area plan was scheduled for August 16, with the location for that meeting to be determined.

Mr. Gast-Bray mentioned that there was an error in the schedule of future Planning Commission meeting dates, and September 5 should be September 12. He stated that the Board of Supervisors would likely be inviting the Commission to one or two joint meetings pertaining to the County's economic development strategy and Rio/29 – so the months of September and October would be very busy for them.

Ms. More asked if the August 15 joint session was scheduled for 6 p.m.

Mr. Gast-Bray confirmed that it was, stating that it would be a work session on preferred alternatives for Rio/29 to be modeled and studied, which would be expanded over the course of August. He said that the Commission would see the first draft of a preferred alternative, with some of the major elements of that, and it would continue to be worked on through August and September until it was finalized. Mr. Gast-Bray stated that it would then go to Phase II of the Rio/29 process and would be the endorsed alternative to study for economic modeling, and transportation modeling.

**Adjournment**

There being no further business, the meeting adjourned at 7:34 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: 9-5-2017 |
| Initials: sct |