Albemarle County Planning Commission
January 16, 2018

The Albemarle County Planning Commission held a meeting on Tuesday, January 16, 2018, at 6:00 p.m., at the Albemarle County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Jennie More, Julian Bivins, Pam Riley, and Daphne Spain. Absent was Bill Palmer, University of Virginia (UVA) representative.

Other officials present were Andrew Gast-Bray, Assistant Director of CDD/Director of Planning, Sharon Taylor, Clerk to the Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Gast-Bray, acting as temporary chair as this was the first meeting of the New Year, called the meeting to order at 6:03 p.m. and established a quorum. He noted this meeting is primarily to go over organizational issues for the Planning Commission.

Mr. Gast-Bray welcomed the new Commissioner, Julian Bivins.

Election of Officers: Chairman and Vice-Chairman:

Mr. Gast-Bray opened nominations for the election of Chair of the Planning Commission for calendar year 2018. He said Mr. Keller would be willing to continue in that role and asked if there were others interested. Hearing none, he asked for nominations.

Ms. More nominated and moved that Tim Keller be Chair for 2018.

Ms. Firehock seconded the motion.

Mr. Gast-Bray invited other nominees. There being none, Mr. Gast Bray closed the nominations for the Chair position. He requested a roll call.

The nomination of Tim Keller as Chair of the Planning Commission for 2018 carried by a vote of 7:0.

Mr. Gast-Bray said we have three persons interested in Vice Chair for 2018, Ms. More, Ms. Riley and Ms. Firehock. He asked for comments or nominations.

Ms. Firehock commented that she was interested but was more than willing to let others have a chance at that role and she would rescind her interest.

Ms. More commented that she expressed interest only if no one else was interested.

Ms. Spain nominated Pam Riley to be Vice-Chair for 2018.

Ms. More seconded the motion.

Mr. Gast-Bray invited other nominations. Hearing none, he closed the nominations and asked for a roll call.

The nomination of Pam Riley as Vice-Chair of the Planning Commission for 2018 carried by a vote of 7:0.

The meeting moved to the next agenda item.

Mr. Gast-Bray turned the meeting over to Chair Keller.

Discussion of 2018 Planning Commission Rules of Procedure

Mr. Keller said the next item was discussion of the 2018 Planning Commission Rules of Procedure.

Mr. John Blair, Deputy County Attorney said concerning those rules he just wanted to alert the Commission that if you recall last year you made a number of amendments to these rules and that was due to some record keeping that some Commissioners had kept as well as myself as to issues that had arisen during that year. He said there were not any issues that arose this past year; however, from a procedure perspective, the one change he proposed in Section 3B of the old Rules of Procedure is the third item, Review of Board of Supervisors Meeting that has traditionally always been at the conclusion of the agenda from what he could see. In going back three or four years that had always been at the end of the Commission's business. Therefore, he did make that change just to alert the Commission that now the Review of Board of Supervisors meetings will be reflected as it has been practiced in Section 10.

Ms. More noted that there needs to be a place where they need to be able to put those things for follow up because they are sometimes really good ideas that we want to follow up on and she does not know if new business is always the place for that. She suggested they could have a parking lot, but did not know if that was the right way to phrase it.

Ms. Firehock suggested saying items for follow up.

The Planning Commission held a discussion on meeting procedures including if they wanted to engage with dialogue with folks during matters from the public and the Rules of Procedure and took the following actions.

Ms. More moved to adopt the Planning Commission 2018 Rules of Procedure with the addition of item 13 adding Items for Follow Up.

Ms. Firehock seconded motion.

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

Mr. Keller noted the 2018 Rules of Procedure as recommended by staff, as amended with the addition of item 13 adding item for Follow Up, was adopted.

The meeting moved to the next item.

Discussion of committees/boards/bodies to which Commission members serve as liaisons.

The Planning Commission held a discussion on the vacant positions and noted the following outdated items on the Committee List:

- Mr. Bivins serves on PACC Tech, MPO Tech, Places29 CAC - Hydraulic and University of Virginia Master Planning Council.
- Ms. More serves on PFRA and ACE Committee-Liaison.
- Ms. Firehock serves on Historic Preservation Committee.
- Mr. Dotson serves as ACE Committee member.
- The Commission deferred discussion of the Long Range School Planning Committee member.

After discussing the memberships and committees, the Planning Commission took the following action.

Ms. Riley moved to accept the Planning Commission Committee Membership with the changes as discussed.

Mr. Dotson seconded the motion.

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

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

Set Meeting Time, Day, and Location for 2018.

Mr. Gast-Bray said the Commission has a list in front of us with the dates proposed and he would entertain any comments. He asked if anybody sees any problem with what is in front of you.

Mr. Keller asked about the zoning text amendments and those extra meetings we were talking about coming in so when he sees the no scheduled meeting dates that are not following a holiday might there be a need for some of those.

Mr. Gast-Bray replied that is an availability to you and just like we did this last year when we saw there was need for more meetings we could open those up but we wanted to give you a chance to embrace that with enough time that your personal schedules could be taken into account. He asked Mr. Blair since he did not believe there was anything that prevents them from scheduling during one of those no scheduled meeting dates.

Mr. Blair replied no, again this is a planning document but obviously if the Commission needs to meet on those no scheduled meeting dates the Freedom of Information Act simply requires notice.

Ms. Firehock pointed out she may schedule over some of the no scheduled meetings, but knows on May 15th she will be on vacation and on November 13, which is a real meeting, she will be at a conference. She said at an absolute minimum she missed very few meetings last year, but hates when she is told there is a meeting with the Board of Supervisors and the Planning Commission or something like that and she cannot go because she has one-week notice or something. She pointed out she tries to keep Tuesday open, but there were a few instances where we did not have much notice at all.

Mr. Gast-Bray replied that staff tries to do the best we can to do that, but there are obviously some things that come up and require changes particularly with joint meetings.

Ms. Riley asked the length of the notice required, and Mr. Blair replied that the length of notice is three business days.

Mr. Keller asked for a motion to accept.

MOTION: Mr. Bivins moved to accept the set meeting time, day and location for 2018. Ms. More seconded the motion, which passed unanimously (7-0).

The meeting moved to the next agenda item.

Other Matters Not Listed on the Agenda from the Public

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

Items Requesting Deferral

SP-2017-00004 James River Runners Amendment
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 13600-00-00-012A0, 13600-00-00-014A0
LOCATION: 10092 Hatton Ferry Rd
PROPOSAL: Amend SP197800074 special use permit for canoe livery by expanding the camping area accessory to the canoe livery onto parcel 13600-00-00-014A0
PETITION: Expansion of canoe livery with accessory camping under Section 10.2.2.29 of the Zoning Ordinance, which permits boat landings and canoe liveries.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Flood Hazard Overlay District
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)
(David Fox)
DEFER TO FEBRUARY 6, 2018 DUE TO AN ADVERTISING ERROR

Mr. Keller asked for a motion for deferral.

Mr. Bivins moved for deferral of SP-2017-0004 James River Runners Amendment to February 6, 2018.

Ms. Firehock seconded the motion.

Mr. Keller invited discussion. There being no discussion, Mr. Keller asked for a roll call.

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

Mr. Keller said SP-2017-00004 James River Runners Amendment was deferred to February 6, 2018.

Ms. Firehock said before we move on that under discussion she actually was going to say something. She was wondering if this is potentially a long and active rail line or in proximity and if we could have someone from the fire department come and talk about the county's rail safety initiatives. She said we have had

many issues with the large oil trains that have been coming through and so there is a potential safety concern and was an issue that she has been working on. Therefore, she would like someone from Fire/Rescue to come and talk or at least be present in case we have questions that they can answer for that meeting when the request comes back up to us.

Mr. Keller thanked Ms. Firehock and apologized for not seeing her.

Review of the Board of Supervisors Meeting – January 3, 2018 & January 10, 2018

Mr. Gast-Bray reviewed the Board of Supervisors actions on January 3, 2018 and January 10, 2018. There being no questions or comments, Mr. Keller said the meeting would move to old business.

Old Business

Mr. Keller invited old business.

Mr. Gast-Bray announced:

- The January 25, 2018 joint meeting with the School Board has been postponed and will be rescheduled to a later date.

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

New Business

Mr. Keller invited new business.

Mr. Gast-Bray announced:

- In a straw poll the Planning Commission by 4:3 agreed to tentative date of February 5 work session on the Form Based Code that is being arranged by staff. Staff to confirm date.
- January 25, 2018 joint meeting with the School Board has been postponed and will be rescheduled to a later date. The February 13th work session will be held first with the joint School Board, Board of Supervisors and Planning Commission before this meeting is rescheduled.
- No meeting on January 23, 2018.
- The next meeting will be on Tuesday, January 30, 2018 at 6:00 p.m. in room 241 in a joint meeting with the Board of Supervisors to discuss Rio/29.

Mr. Gast-Bray said the work session topics for the items for follow up that the Commission presented last year we are trying to come up with a schedule for that and make sure we have all of those items. He said he would be bringing that back to the Commission as a list; however, we have not got that fully done yet but are trying to place it in time including topics that you have asked to come back. He said that he hoped that at times we could have speakers on it if we can arrange such things if that is pertinent for that.

Mr. Gast-Bray said the second item of new business he was going to ask for a straw poll. In the Rio/29 process, we have a number of things that are going on. One of the particular things is the idea of the Form Based Code and the strategy of how it may address parts of the needs of Rio 29. He said it is a complex subject and in order to explain this to the Board of Supervisors we have to make some strategic decisions on how they might invest in this process and they need to understand some of the contextual elements, mainly how does Form Based Code and its relationship to other things like transportation, as we have

mentioned in some of our meetings, economic development and economic infrastructure – how does that relate. We are probably going to have a speaker from DC who works with the Form Based Institute and he knows a lot about and has done transportation plans that dovetail with Form Based Codes and Economic Development plans, etc. Mr. Gast-Bray said he has said he would come down to train the Board but we would also want to open that up to you. However, since the Board has to act on some of the things that he is going to be talking about, not because he brings them up, but because he is going to be explaining them, we are trying to get the schedule based on their ability; but, he wanted to see what the Commission's availability is because he thinks some of you would find it very interesting and would like you to come. However, if we have more than three Commissioners who are interested then we need to announce and why he wanted to get a straw poll if you are interested in coming to that session and right now if we had to guess it would probably be about the 5th of February. It has not been confirmed at all.

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

Closed Meeting

Mr. Blair said he had a motion that he wanted to read into the record and someone can move and second it to go into a closed meeting. He read the motion: "I move that the Albemarle County Planning Commission go into a closed meeting as authorized by the Virginia Freedom of Information Act Section 2.2-37-11a The Code of Virginia under subsection 8 to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to a zoning overlay district.

Mr. Keller moved to go into a closed meeting as stated by Mr. Blair.

Mr. Gast-Bray said he wanted to announce to the public that there is no more business listed on the agenda that we will be addressing so we will come back to close that meeting and he did not want the public to wait around expecting more business to be handled.

Ms. More seconded the motion.

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

The recorder was turned off and the public left the meeting at 7:06 p.m.

Mr. Keller reconvened the public session at 7:46 p.m.

Certify Closed Meeting

Mr. Blair read a certification of a closed meeting and asked someone to move and second this. He read the motion: I move that the Planning Commission certify by a recorded vote that to the best of each member's knowledge that only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session heard, discussed or considered in the closed session.

Mr. Keller moved for approval of the motion just stated by Mr. Blair.

Ms. Riley seconded the motion.

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

Mr. Keller welcomed our new Planning Commission member Mr. Julian Bivins.

There being no further discussion, the meeting moved to adjournment.

Adjournment

With no further items, the meeting adjourned at 7:48 p.m. to the Tuesday, January 30, 2018 joint Albemarle County Board of Supervisors/Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 7-17-2018
Initials: sct