FINAL ACTIONS Planning Commission Meeting of February 6, 2018	
February 7, 2018	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. **Call to Order.** • Meeting called to order at 6:00 p.m., by Chair Keller. Commissioners present were Bivins, Spain, Vice-Chair Riley, More, Dotson, Chair Keller, Firehock and Palmer, UVA Rep. • Also present were Elaine Echols, Tim Padalino, Rachel Falkenstein, David Fox, Scott Clark, Margaret Maliszewski, Sharon Taylor and John Blair.	
2. **Other Matters Not on the Agenda from the Public.** • None.	
3. **Consent Agenda** **Approval of Minutes:** October 24, 2017. • **APPROVED,** by a vote of 7:0.	Clerk: Finalize minutes as noted in actions.
4a. **Public Hearing Items.** **SP-2017-00024 By Word of Mouth Automotive** MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL(S): 061W0010C00100 LOCATION: 442 Westfield Road and 446 Westfield Road, Charlottesville, VA 22902 PROPOSAL: Motor vehicle sales as an accessory use to automobile repair service on 0.76-acre parcel. PETITION: Motor vehicle sales and rental under Section 18-22.2.2-(8) of the zoning ordinance. No new dwellings proposed. ZONING: C1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval for SP as noted in the actions.

	OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), and Steep Slopes – Managed. COMPREHENSIVE PLAN: Urban Mixed Use – Neighborhood Service Center in Neighborhood 1, which allows for commercial, retail, and employment uses with supporting residential (3-20 units/acre). (Tim Padalino) **RECOMMEND APPROVAL,** by a vote of 7:0 of SP-2017-00024 with the conditions outlined in the staff report as shown in Attachment 1.	
4b.	**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 special use permit SP197800074 for canoe livery by expanding the camping area accessory to the canoe livery to allow 5 campsites on a new parcel of 1.8 acres (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)	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

	RECOMMEND APPROVAL, by a vote of 7:0, of SP-2017-00004 with the conditions outlined in the staff report, as amended, with a 5th condition provided by the County Attorney as shown in Attachment 2.	
4c.	**SP-2017-00018 Rivanna Solar Project** MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL(S): 09400-00-00-017A0 LOCATION: 2631 Buck Island Rd PROPOSAL: Solar-energy electrical generation facility, with solar panels occupying approximately 90 acres PETITION: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance on a 149-acre parcel. No new dwelling units proposed. ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) OVERLAY DISTRICT(S): Entrance Corridor, 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) (Scott Clark) **By a vote of 7:0**, found the facility proposed in SP-2017-00018 Rivanna Solar to be in substantial compliance with the Comprehensive Plan. **RECOMMEND APPROVAL,** by a vote of 7:0, of SP-2017-00018 with the conditions outlined in the staff report as shown in Attachment 3.	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Found proposed facility in compliance with the Comprehensive Plan. In addition recommended approval for SP as noted in the actions.

	The Planning Commission took a recess at 8:10 p.m. and reconvened at 8:21 p.m.	
5a.	**Work Session** **CPA-2017-00001 Willow Glen Industrial Area** MAGISTERIAL DISTRICT: Rio TAX MAP/PARCELS: 03200-00-00-049B0 and portions of 03200-00-00-049I0, 03200-00-00-049J0, and 03200-00-00-049F0 LOCATION: On the east side of Dickerson Road, approximately 1000 feet north of the intersection of Towncenter Drive and Dickerson Road, PROPOSAL: To amend the Comprehensive Plan designation for approximately 3 acres, from Urban Density Residential residential (6.01 – 34 units/ acre) and supporting uses such as religious institutions, schools, commercial, office and service uses to Office/R&D/Flex/Light Industrial which allows commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). ZONING DISTRICT: Planned Residential Development which allows 3 – 34 units/acre with limited commercial uses and Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) AIRPORT IMPACT AREA: Yes STEEP SLOPES MANAGED: Yes (Rachel Falkenstein) **ADOPT**, by a vote of 7:0, the Resolution of Intent submitted by staff with the addition of two words underlined in the following phrase: Be	Staff: Action Letter for Adopted resolution of intent. Next Steps: Staff to develop the schedule for the Comprehensive Plan Amendment and work with the applicant to address issues identified by the Commission.

	it further resolved that the Planning Commission shall **consider and** hold a public hearing on the Comprehensive Plan Amendment. It was noted that adding the words "consider and" was to clarify for the public that the ultimate decision would result from the Commission's considerations.	
6	**Committee Reports** • Mr. Dotson will email copies of the CIP final recommendations to Commissioners. • Ms. Firehock reported the Historic Preservation Committee met. • Mr. Bivins reported the PACC Tech Committee met and spoke about the next environment of Ivy Road/Emmett Street.	
7.	**Old Business.** • None	
8.	**New Business.** Mr. Keller announced: • ADJOURN TO JOINT MEETING WITH SCHOOL BOARD, BOARD OF SUPERVISORS AND PLANNING COMMISSION ON TUESDAY, FEBRUARY 13, 2018 FROM 3:00P.M. - 6:00 P.M., IN CONFERENCE ROOM 241. • PLEASE NOTE: THE FEBRUARY 20, 2018 PLANNING COMMISSION MEETING WILL BE HELD IN CONFERENCE ROOM 241 BEGINNING AT 6:00 P.M.	
9.	**Items for Follow-Up** **Worksession topics.** (Andrew Gast-Bray) Ms. Echols distributed information from Mr. Gast-Bray for the Commission to review. Planning Commission asked that discussion	Staff: Schedule for further discussion at next meeting under old business. .

	take place at the February 20 Commission meeting under "Old Business".	
10.	Adjourn to Joint Meeting with School Board, Board of Supervisors and Planning Commission on February 13, 2018 at 3:00 p.m. Conference Room, 241. • The meeting adjourned at 9:31 p.m.	

/sct

Attachment 1 – SP-2017-00024 By Word of Mouth Automotive – Planning Commission Recommendation
Attachment 2 – SP-2017-00004 James River Runners Amendment – Planning Commission Recommendation
Attachment 3 - SP-2017-00018 Rivanna Solar Project – Planning Commission Recommendations
Attachment 4 – CPA-2017-00001 Willow Glen Industrial Area – Resolution of Intent

ATTACHMENT 1

SP-2017-00024 By Word of Mouth Automotive – Planning Commission Recommendation

CONDITIONS OF APPROVAL:

1. Development and use shall be in general accord with the following revised plans originally prepared by B. Aubrey Huffman & Assoc., Ltd., and updated by Stewart Wright, dated October 30, 2017 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
    a. Location of proposed vehicle sales and display areas within existing parking lot

    Minor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Safe and convenient vehicular access shall be maintained at all times. To accomplish this, the site shall be modified with corresponding physical improvements (pavement striping, curb painting, and/or "no parking" signage") in travelway areas where vehicles are being parked.
3. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

ATTACHMENT 2

SP-2017-00004 James River Runners Amendment – Planning Commission Recommendation

CONDITIONS OF APPROVAL:

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.
5. A staff member shall be on the premises at all times when individuals are utilizing camp sites on the property.

ATTACHMENT 3

SP-2017-00018 Rivanna Solar Project – Planning Commission Recommendation

By a vote of 7:0, the Planning Commission found the facility proposed in SP-2017-00018 Rivanna Solar to be in substantial compliance with the Comprehensive Plan.

RECOMMEND APPROVAL, by a vote of 7:0, of SP-2017-00018 with the conditions outlined in the staff report, as follows:

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled "Conceptual Layout, Rivanna Solar Farm" dated January 5, 2018 (hereinafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:

   a. Location of solar development envelopes;
   b. Location of access/entrance improvements;
   c. Location of equipment yard; and
   d. Retention of wooded vegetation in stream buffers

   Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

2. Landscaping and screening shall be substantially as shown on the Conceptual Plan, and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:

   a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
   b. The identification of the party currently responsible for decommissioning;
   c. The types of panels and material specifications being utilized at the site;
   d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
   e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
   f. An estimate of all costs associated with rehabilitation of the site.

   The Decommissioning Plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle.

7. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
9. The Zoning Administrator shall be notified in writing within 30 days of the abandonment or discontinuance of the use.
10. All physical improvements, materials, and equipment (including fencing) related to solar energy generation shall be removed from above ground and from below ground down to bedrock, or to a depth of at least 36 inches below the ground surface, whichever is less, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use.
11. If the use, structure, or activity for which this special use permit is issued is not commenced by [date two years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

ATTACHMENT 4

CPA-2017-00001 Willow Glen Industrial Area Work Session – Planning Commission Adopted Resolution of Intent

RESOLUTION OF INTENT

WHEREAS, the Future Land Use Plan and Transportation Network section of the Places 29 Master Plan includes land use designations within the Places 29 Master Plan for the Northern Development Areas within Albemarle County; and

WHEREAS, a petition was received requesting that the land use designation in the Places 29 Master Plan for Tax Map Parcel Number 03200-00-00-049B0, and portions of Tax Map Parcel Numbers 03200-00-00-049I0, 03200-00-00-049J0, and 03200-00-00-049F0 (hereinafter the "Property") be amended from Urban Density Residential to Office/R&D/Flex/Light Industrial; and

WHEREAS, the Property is located on the east side of Dickerson Road, approximately 1000 feet north of the intersection of Towncenter Drive and Dickerson Road; and

WHEREAS, upon a request by a property owner, the Comprehensive Plan may be amended by the Board of Supervisors, acting upon a recommendation by the Planning Commission, in response to criteria first adopted by the Board of Supervisors on April 17, 1985, and amended December 11, 1991, effective April 1, 1992; and

WHEREAS, one of the criteria is whether there has been a change in circumstances since the land use designation was established for the Property; and

WHEREAS, the Property's owner asserts that market conditions for the Property have changed, and housing demands for the Property's immediate area have changed; and

WHEREAS, the Planning Commission finds that changes in circumstances have occurred relative to the demands for residential and office/flex properties in the immediate vicinity of the Property.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land use planning practices, the Albemarle County Planning Commission hereby adopts a resolution to consider amending the land use designation of the Property from Urban Density Residential to Office/R&D/Flex/Light Industrial; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall consider and hold a public hearing on the Comprehensive Plan Amendment proposed by this resolution, and make its recommendation to the Board of Supervisors, at the earliest possible date.