Albemarle County Planning Commission
May 8, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, May 8, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Pam Riley, Vice-Chair; Jennie More, Daphne Spain and Karen Firehock. Absent were Bill Palmer, UVA representative and Bruce Dotson.

Other officials present were Tim Padalino, Senior Planner; Rebecca Ragsdale, Senior Planner, Amelia McCulley, Director of Zoning/Zoning Administrator; 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.

The meeting moved to the next agenda item.

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. Hearing none and having no items on the consent agenda, Mr. Keller said the meeting would move to the next item.

Regular Item.

CCP-2018-00001 ACPS Albemarle Tech
MAGISTERIAL DISTRICT: Jack Jouett
TAX MAP/PARCEL(S): 061W0030001800 LOCATION: Seminole Place – 1180 Seminole Trail, Charlottesville, VA 22901
PROPOSAL: Albemarle County Public Schools (ACPS) proposes to establish "Albemarle Tech – Center for Creativity and Innovation," a new 40,000 SF operation within an existing facility, to be comprised of a professional development training space, a student center, and administrative offices for the ACPS "Learning Engineering, Access and Design" Department on 25.4-acre parcel.
ZONING: LI Light Industrial – industrial, office, and limited commercial uses (no residential use).
PROFFERS: No.
ENTRANCE CORRIDOR (EC): Yes.
OVERLAY DISTRICT(S): Airport Impact Area (AIA) and Steep Slopes – Managed.
COMPREHENSIVE PLAN: [Primary/majority of property] = "Office/R&D/Flex/Light Industrial" – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). [Secondary/rear of property] = "Urban Density Residential" – residential (6.01 – 34 units/ acre) supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood 1 – Places29.
(Tim Padalino)

Tim Padalino, Senior Planner with Community Development presented a PowerPoint presentation to summarize the staff report for CCP-2018-00001 "Albemarle Tech – Center for Creativity and Invention" for the Commission's consideration. He said specifically he will comment on the purpose of this type of review, very briefly describe the proposal although he will allow the applicants to speak to that in their own terms, provide some information about the subject property's location and other characteristics, and present a summary of staff analysis and recommendations for your consideration. Mr. Padalino said he would try to answer any questions you may have at any time.

Applicant(s): Albemarle County Public Schools (ACPS)

PURPOSE OF THE REVIEW

A Compliance with the Comprehensive Plan Review ("CCP Review" or "2232 Review," in reference to the Code of Virginia statute which necessitates this type of local review process), considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission's findings are forwarded to the Board of Supervisors for their information; no additional action is required of the Board. The Commission's action is only related to the appropriateness of the site for the proposed public use, and is not an action or recommendation on whether the facility should be funded and/or constructed.

As stated the applicant is Albemarle County Public Schools and just a brief summary of their proposal would be to establish a new high school student center within an existing private facility envisioned as ACPS "Albemarle Tech – Center for Creativity and Invention." This proposed new facility is not contemplated in the Places29 Master Plan or Comprehensive Plan and this is something of a pilot project and it would contain a number of distinct functions or components – the first of which would be a professional development training space for public schools and also county staff. The second would be a satellite student center to support public schools' high school 2022 initiative. The third component would be full-time administrative offices for the learning, engineering, access and design department.

Regards to information about the subject property, it is located within the development areas in the Jack Jouett Magisterial District in Places29/Hydraulic Neighborhood and more specifically the location if Seminole Place, which is addressed at 1180 Seminole Trail – it is a 25.4 acre property with about 800 feet of frontage along 29 just south of the intersection with Greenbrier Drive and across 29 from the main branch of the post office. This property is further identified as Tax Map/Parcel 61W-3-18 and the owner is listed as Seminole Trail Properties, LLC.

As you can see with this existing condition base map the property currently contains an existing structure with quite a large footprint of about 500,000 square feet containing numerous commercial and light industrial enterprises with accessory structures on the site including a water storage tank and a rather large paved parking lot. Some of you may know this as the former Comdial site. Mr. Padalino pointed out the existing primary entrance onto Greenbrier Drive and that intersection is unsignalized. Additionally, there is a rear entrance that accesses Commonwealth Drive although this is gated, and it is closed in the evenings and on the weekends as he understands. The property is zoned LI, Light Industrial and as you can see from the zoning map it is adjacent to multiple different zoning districts including C-1, Commercial along Greenbrier Drive, some Neighborhood Model District properties which includes the Cosco facility immediately door and some residential uses and districts to the northwest including R-15, Residential and also a PRD, Planned Residential Development.

With regards to the future Land Use Plan and the designations in the Places29 Master Plan you can see in the slide that the majority of the property is designated as Office/R&D/Flex/Light Industrial, which supports a wide variety of potential future land uses. You can see a relatively small portion in the rear of the property has a designation for Urban Density Residential. As noted previously he is going to refer quite heavily to the applicants to provide their visions for what this proposed facility would be and so he would skip ahead to staff analysis and recommendations.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The proposed use would be centrally located in Albemarle County within the Development Area (Places 29 – Hydraulic).
2. The proposed use would utilize (renovated) space within an existing facility, thereby providing a new ACPS location with minimal investment in the construction of new improvements.
3. The proposed use would enable ACPS to establish the first "student center" as the initial pilot project in the innovative "High School 2022" initiative.
4. The proposed use at this subject property does not appear to be contradictory with the Comprehensive Plan, and would support and advance goals, objectives, strategies, and other policies contained in the Comprehensive Plan.

Mr. Padalino said briefly to that last point, favorable factor #4, the proposed use would support and advance the growth management policy and goals, economic development strategies, development areas objectives and strategies including Neighborhood Model principles and also community facilities goals, objectives and strategies. He noted the full summary of those goals and policies is contained in the staff report.

Factors unfavorable to this request include:

1. The proposed use would create minor increases in vehicle daily trips to and from the existing Seminole Place facility.

Mr. Padalino said however the following should also be considered – based on the information provided by ACPS staff it appears that the traffic volumes and patterns generated by this proposed new public use would not necessarily be any different or any worse than what could be generated by other by-right uses that could be located in this space. He said also a substantial portion of the vehicle trips to and from the site would occur outside of peak hours and it would not be concentrated into one morning arrival time and one afternoon departure time as is typical with most school facilities. He said also the site has convenient access to a major thoroughfare and interconnected road network. Mr. Padalino said as he briefly eluded to a representative from Seminole Place stated during the community meeting with the Places29 CAC that the rear entrance would continue to be closed and locked during evening hours and during the weekends in further managing access and transportation issues.

Therefore, in consideration of all of those factors staff recommends that the Commission find the location, character, and extent of the ACPS "Albemarle Tech – Center for Creativity and Invention" facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan.

Mr. Keller invited questions from the Commission for staff. He said in light of our responsibility to look at the appropriateness of the site in the scheme of the building you have not shown the location of this facility within the footprint of the former Comdial nor have you shown where the brewery with alcohol sales are and he wonders about that relationship and whether that factored into discussion of appropriateness.

Mr. Padalino replied that he believed having seen a preview of the presentation the applicants have he thinks they will locate the facility within the overall structure and he believes it is Reason Beer and thinks that was not something that was brought up at the community meeting. He noted there have discussion about other sort of co-located enterprises in the structure and how that creates opportunities for these high school students. He said there was even some brief discussion about how the craft beverage industry is an industry that we might should be training people for and does create opportunities here locally, but other than those comments he would refer to the applicant for those considerations.

Mr. Keller invited further questions for staff. Hearing none, Mr. Keller opened the public hearing and asked the applicant to come forward.

Lindsay Snydor, Deputy Director of Building Services for the Albemarle County Public Schools, said she and Ira Socol, School Division Chief Technology and Innovation Officer were present to speak for the request.

Ira Socol, School Division Chief Technology and innovation Officer, said that first he wanted to discuss the concept that we have moving forward and why we found this site so specifically good for our intentions. He said in December our School Board voted to move ahead with a model called "The Center Concept" for expanding our high school capacity rather than building a fourth comprehensive high school, which would cost upwards of a hundred million dollars. He said we developed a plan with some very influential advisors to look at community imbedded facilities that would offer students a higher level of choice in specific pathways to move towards co-secondary education and their lives. He said this is all based in the theory that students are engaged when they interested, which seems an obvious, but students have a much wider range of interest; they come to high school with a lot more skills and a lot more capabilities. He said we find when we align students according to interest we break down many of the barriers that otherwise separate our county population.

Mr. Socol said we have discussed a number of ways of doing these centers and we thought it was really important to begin this process with a pilot, a smaller test bed of the platform so that we can understand exactly what issues will arise, how we solve them, how we work with students everyday and how we move students around this very large county. He noted Albemarle Tech is designed to do a couple of things – it is designed to test the concept, but it is also designed to imbed our students who are interested in high technology careers and education with our school technical engineering staff. He said we have built in mentorships, internship opportunities directly with our team, our department of learning engineering access and design. He said what we had looked for is how do we reach out because though in the first year we will begin with simply seniors and that has a lot to do with Virginia's changing high school graduation requirements and next year we will be looking at 10th, 11th and 12th

graders there and our goal would be to move students from sheltered internships where they do internships within our school facility itself and then move to the next step which might be internships in very close quarters to where the school is and then finally sort of more external internships.

Mr. Socol said what makes the old Comdial building, Seminole Place wonderful for us is that it has approximately 60 tenants all of whom have some technology component and skills that we can involve ourselves – those range from Artistic Custom, Inc. for example to the agricultural – there are people working on the new sort of high tech forms of fertilizer and things like that to a LED lighting company to actual technology companies. He said that it gives our students every kind of student is interested in a technology career an option that can work with them. He noted the space is also far less expensive than if we built it ourselves and by leasing it the way we are doing the buildout becomes the responsibility of the landlord and we could fast track it at a rate that we could never to if we were to try to acquire land and build our own facility. He said it also imbeds it solidly in the center of the county, which we think is vitally important to both the county, to our relationship with the business community and to drawing the widest range of students possible to this center.

Mr. Socol said that we will begin with about 25 to 40 students in the first year – it will expand over the course of two years to 150 students. He said it is a small place and school and most of the students will be there some but not all the time because internships are built into this and some students may choose to take courses back at home high schools if we can't offer them there – students will move in and out but not at a regular pattern. He said our transportation department is working on shuttle services so that we are not dependent on students driving and that gives us a reach to a significant population and it also give us the chance to limit traffic.

Mr. Socol said that he would just add because you asked the question about the brewery. He said first of all our hours don't really overlap they are an evening activity and a weekend place primarily; secondarily there are facilities selling alcohol near many high schools - we have rules for our students and rules to do this. He said thirdly and he does not think Albemarle Tech is the place that is going to do this but one of the comments was made about this being a growth industry and we actually have been studying a high school in Oregon that has its own vineyard and a very successful viticulture program and we don't want to leave our students out of what is one of the county's biggest growth things but he thinks it is something we have to be very careful about moving forward into. He said that probably will be something down the line that has more to do with an agricultural high school center than what we are doing here.

Lindsay Snydor, Deputy Director of Building Services for the Albemarle County Public Schools in the PowerPoint presentation noted that here are some of the particulars of the buildout and what the traffic impacts would be on specifically for group. She pointed out that is about how this lays within the wider facility and the part marked in green is about the 40,000 square feet that we will be renting – and that is the upper level portion which does not cover the entire footprint of the building – it is a small portion. She said we have almost the entire upstairs portion – there is a tenant on one other side of the second floor and a small section of the bottom will be the main entrance. Ms. Syndor said Ira has gone through the intentions for this space – we have a lot of professional development learning space, offices, the high school student center, and again the primary drivers are that central location and all of the potential ties to internships both on site and near the site. She said this is a part of the facility and on this side we have two distinct portions of the facilities – some students will be working in the space in the summer and there will be some adults going to the student side and we want to encourage interaction between the two groups but this will be lead offices and also professional development

space, which is a critical need for our division. She said that teachers will be coming from different schools to train in these spaces and again that will be in an irregular flow of traffic since they won't all be arriving at 8 a.m. and leaving at 5 p.m. but it will be throughout the day. She noted this is the student center of the facility and these are connected and we have studios where students will be doing work, also common area where there will be collaboration space and kitchenette – and also we have restrooms in that area.

Ms. Snydor said traffic impacts – we talked about that briefly and the primary traffic will be in personal vehicles with limited transportation by school buses and vans. She said our transportation department is talking about primarily doing our transportation to the center between 10 a.m. and 2 p.m. after the rush hours basically with the other schools. She said there will not be the traditional arrive at 8 a.m. and mad rush at 4 p.m. and so it won't be contributing to a huge clump of traffic. She pointed out the majority of the traffic will be entering from Route 29 to Greenbrier Drive into the main entrance of the facility and limited student activity during the during the summer months and you will see a decrease during those months. She said athletics and afterschool activities will occur at the home high school so there won't be afterschool type of activities at the student center.

Ms. Syndor noted there is a breakdown of the traffic impacts per each group that will be functioning here – administrative offices with about 30 people who will be accessing daily that may vary a little bit and the typical workday they tend to work a little late past five o'clock with varying people visiting the center for part of the day to work and then going back to another office location or a school. There will be professional development training space – the room will hold up to 150 and those trainings will not be as frequent but about a once per month basis – large group training about twice per month and a possibility of 30 will meet two or three times per week on the professional development side – again teachers and administrative staff will be visiting from the County Office Building and other school locations. She said the student center in the first year we set for about 20 to 40 students growing up to the maximum of 150 and some of those students will be taking their own transportation and some will be in that bus transportation between 10 a.m. and 2 p.m. Ms. Syndor said she would answer any questions.

Ms. Riley asked if there is designated parking for the various businesses and where would the parking occur in the parking lot for the school.

Mr. Socol replied that the landlord has no designated parking spaces for any of the tenants and did not want to designate them for us. He said we on the other hand will expect our students to park in the upper spots so that they are not in the way of other visitors coming. He said it may be an informal rule but we plan on enforcing that.

Mr. Bivins asked is this area serviced by CAT and if so can you point that out to us.

Mr. Socol replied that it is serviced by CAT - there is a stop along Greenbrier. He said one of the things we are working on as part of high school 2022 is an ID card for our high school students that would be what is called a one or smart card so that the student ID card would not only work to say when kids got on school buses but also if they use the county transportation system and would have a number of other purposes. He said there are students who reach out into internships using all our transportation modes.

Mr. Padalino noted that he was just informed that Route 5 runs on Commonwealth Drive and there is a stop almost at that rear entrance off of Commonwealth.

Ms. Firehock asked are you coordinating with the County Economic Office in looking at what some of the needs are for the professions in the area.

Mr. Socol replied we absolutely are and have had meetings with them. He said in fact the schools are in the process now of trying to hire a person who will specifically work on internships with our students and we view this as sort of a partnership with our Economic Development Department so that we are not forcing students into careers, but we are going to present them with what makes sense for this area. works makes sense in this area and so yes, we are working on building as close as possible cooperation with our new Economic Development Director.

Ms. Spain said she was very impressed with the idea and glad to see sort of a center make our school system more attractive to the outside investors and businesses. She asked about the relationship between Albemarle Tech and CATEC.

Mr. Socol responded that one of the things we want to do is provide students with multiple choices so CATECH has a specific focus on certain kinds of work opportunities and even certain type of computer networking, for instance cypher security. He said what we are trying to build is something with a whole group of other options which include everything from networking and students who simply really want to learn to pull and splice cable to students who want to do the highest level of programing and so that is one thing that separates it out is that our focus will be narrower but much deeper on that field. He said there are a couple other things that separate this – first of all this will be an all-day experience for kids and they will not come for one-half the day which has really worked against CATECH attendance – when we surveyed children they say the biggest obstacle is the time they spend traveling from their school to CATECH and back every day. He said the other part is that we will be testing out other things and it is experiencing the different things we are trying to move to in high school 2022. He said the students will be working on projects together and that focus will cross both tech functions and cross circular subjects, so students may be working on a project that will get them math and engineering credit or science, history and engineering credit depending on what they are doing.

Ms. More questioned where would students enter the building and if there were elevators since they were on the second floor.

Ms. Syndor replied there would an elevator and a main stairway.

Mr. Keller invited public comment.

Neil Williamson, with the Free Enterprise Forum, said we don't speak on projects and this is a project in a new kind of review actually because some of the issues that generally comes up with schools that the Commission review are not really under consideration. But a question that he hopes they will ask the applicant first is the parking requirements. He said as he quickly does the math there is 330 maximum occupancy and at one point he heard there were going to be transportation vans and at one time he heard there is going to be mainly single occupancy vehicles – and was trying to count parking spaces where those cars are going to go or if they are going to go how that traffic impact is impacting the community and that business in general. He said a larger question that is probably the more difficult question, and he was all in favor of the concept of innovative education, is how the Planning Commission feels about removing some limited light industrial land from the inventory. While albeit this land is being utilized in sort of a cut and paste fashion right now and is empty he has heard members of

this group raise that concern in rezoning matters and he feels duty bound to identify that as an issue that you may want to discuss.

Mr. Keller asked council if this was technically not a public hearing and Mr. Blair replied that was correct.

Mr. Keller asked the applicant if he cared to address either of those points.

Mr. Socol replied that this was not actually light industrial space within the building - it is warehousing space, the second floor does not have the load levels that would be required for industrial. He said it was storage space originally and it has been vacate for quite some time from what he knows. He said the other thing is as we said we would imagine teachers coming in carpools or single occupancy cars, our staff would tend to come in single occupancy cars, and students. One of the things the county is beginning next year is a transportation program that will allow students from a high school to be transported to the academy of their choice which is a big step. The centers will be part of that so by offering students a choice of how to go and one of the things we are trying to pilot for next year is Wi Fi on our buses that do this type of long-haul transportation and we think we are going to hold onto students as riders effectively. Therefore, he could not imagine a day where we would have 300 cars but there are 300 spaces there if we need that.

Mr. Keller thanked the applicant. He noted the matter was before the Planning Commission for discussion and he would reiterate what is our real purpose here and the Commission's action is only related to the appropriateness of the site for the proposed public use and it is not an action or recommendation of whether the facility should be funded or constructed. He invited discussion.

Ms. Riley said she very much supports this concept and was not concerned about the volume of cars at this point but she will say that the location of the parking and where there is single vehicle occupancy cars are more likely to come in through is Commonwealth just given the location of the parking and will be encouraging the school system to come up a defector plan for guiding the traffic off of Greenbrier so there is not a lot of traffic going through Commonwealth where there the residences are.

Mr. Keller said that he would like to say for the people listening in the audience that we will have a joint school board and planning commission meeting in the relatively near future and he was sure that this will be a topic as we learn about the plans that the school board is presenting that that this being one of those. He also thinks that this is an interesting and innovative way to move towards our education in the future and he had concerns about segregating by wealth and even by race in our county and he would hope that this in the selection for the students would be a move towards a more integrated approach.

Mr. Keller said in response to the other comments he believes that in creating these internship possibilities for students we are actually expanding our work force possibilities and the types of new folks from the economic world who will be coming into our community. Therefore, he sees that as a positive. He said that he thinks the parking is an issue. We have seen it with the University of Virginia students; we have seen it with high school students and he was guilty of it as a high school student in this community and he thinks that again most likely the free market system will come to bear in there and if the parking spaces for businesses such as FeeMac are taken that there will be discussions internally and the private sector will come to some resolution of that issue – however, he was not really convinced that the answers to that and we are still not going to see some conflicts there given the

nature of most families having an automobile for senior students to drive. He said overall, he was very supportive of this and thinks this is the direction that we should be going. He asked if someone was prepared to make a motion.

Mr. Bivins moved to find that the location, character and extent of CCP-2018-00001 Albemarle Tech Center (ACPS) - Center for Creativity and Invention" public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan.

Ms. Spain seconded the motion.

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

The motion passed by a vote of 6:0 (Dotson absent).

Mr. Keller said the motion was approved, thanked everyone and that we look forward to hearing more about this when the two bodies meet in the future.

The meeting moved to the next item on the agenda.

Public Hearing

ZTA-2018-00002 Commercial and Industrial Zoned Properties Not Served By Public Water
Public hearing on proposed ordinance for Commercial Office, Commercial 1, Highway Commercial and Light Industry zoning districts. The proposed ordinance removes language related to water consumption exceeding four hundred (400) gallons per site acre per day for uses not served by public water and states that all uses approved pursuant to those code sections before June 13, 2018 shall remain subject to existing special use permit conditions. The proposed ordinance establishes a list of uses by right and by special use permit for a) uses not served by public water or an approved central water supply system and for b) uses served by public water or an approved central water supply system. (Rebecca Ragsdale)

Ms. Ragsdale presented a PowerPoint presentation to summarize the staff report for ZTA-2018-00002 Commercial and Industrial Zoned Properties Not Served by Public Water on behalf of all of the other staff members mentioned in the report. This includes the zoning administrator Amelia McCulley, Bill Fritz, Leah Brumfield, and John Blair as well as our GIS folks who have helped us with this item. She said we want to go through the background and purpose of the proposed changes regarding what led us to this point and go over some of the information about the properties that would be affected since it is a subset of the commercial and industrial zoned properties we have in the county. We have given you many handouts that we want to walk you through and make sure we have responded to some of the questions we have gotten about the uses and the use tables. She said we are here for your questions and feedback and ultimately make a recommendation that would go to the Board at their scheduled June 13 public meeting.

- This was initiated in February by the Board of Supervisors with the Resolution of Intent to eliminate the special use permit requirement in the ordinance for these uses related to water consumption and establish the list of uses that we will walk you through this evening that create the by-right uses for these properties. We held a public informational meeting in April and our recommendations have not changed since then; however, we have made some corrections and clarifications along the way, which is why staff has so many handouts for the Commission since we have tried to format the

information in a way that is easier for people to follow. Therefore, staff would like to go over all of that this evening and then of course have the public hearing.

- The special use permit requirement proposed to be eliminated has been problematic over the years and has just focused on water regarding the 400 gallons per site acre per day. Therefore, if a use is consuming more than 400 gallons per acre per day then the special use permit is required. So effectively, the way the ordinance is written, there are not by-right use opportunities for these properties and this ZTA will create those by-right use opportunities. The update is to more broadly address the Comprehensive Plan goals and not just choose the list of by-right uses based on water consumption. Therefore, we want to make sure that there is clarity about whether a use is by right or by special use permit for these properties.

- So just backing up a little bit to the first Zoning Ordinance – this is sort of a brief timeline of the history of planning and zoning in the county so some of these properties have been zoned commercially and industrial sort of pre-dating our current Comprehensive Plan goals and our currently defined Development Areas. We last comprehensively updated our Zoning Ordinance and zoning map in 1980 so we have this legacy of these parcels outside of our growth area retaining that commercial zoning. Then we added the special use permit on water consumption for the industrial districts in 1985 and then the commercial districts in 1989. Again, some of our growth area boundaries have changed since then and that was to address some concerns during a drought season. Therefore, that has resulted in the properties that will be affected that staff would go into a little bit more in a minute.

- In the next slide Ms. Ragsdale pointed out this is showing you that places like North Garden, Stony Point and Earlysville use to be growth areas so some of the zoning on the map she will show the Commission in a minute is still in those areas. She noted the next slide shows the current Land Use Plan in our current Development Areas so it does not include those places she mentioned like Earlysville, North Garden and Stony Point. Going to our current Land Use Plan we are present day we recommend, of course, clear boundaries with our Rural Areas. So some of these properties are on the edges that have been defined by water shed/water supply and other resource protection reasons. We are trying to bring the ordinance in line with more of these goals related to resource protection keeping in mind that the higher intensity uses are intended to be directed towards our Development Areas.

- Ms. Ragsdale said a bit discussion and a big part of this zoning text amendment is the issue of public utilities. Therefore, our growth areas are our priority areas for public water and sewer. We only extend public water and sewer to those properties outside the growth area when they are adjacent to the lines and when there is a public health or safety danger of a failing well or failing septic system. So that is why we are sticking to that policy with this zoning text amendment and some of these properties will continue to be served by well and septic so that resulted in our affected properties.

- Ms. Ragsdale said the next slide is our current jurisdictional area map and you will see there are several different designations – some of them are water only. The development areas are intended to be served by water and sewer service and then there are designations like water to existing only which include those properties that may have had a failing wall, for an example, or an existing use. When we looked at all of these properties using our GIS and all of those different land use policies, our growth area, our zoning map and jurisdictional map we tried to put that all in one map for you

and we included the detailed maps in your packet so this is just showing you where those properties are located. She noted those properties are throughout the county and a lot of them are on the edges of the growth area or in areas that were previously designated for growth and then there are a few sort of outlying properties in Covesville, for example, or just outside of Scottsville. She said it ended up being about 300 acres of properties that would be affected; these properties that are in the rural area but have the legacy zoning, if you will, of commercial or industrial and that are not currently served by public water. With this study, staff said in the staff report that we were not charged with taking away any of those existing rights that properties had either to water or to zoning; we wanted to update the zoning districts in a way that redefined the special use permit uses in the by-right uses for these properties. We included that information in your table. The zoning district that we have the most property of is light industrial and we included information about how many vacant parcels we had broken down by zoning district. Then there are parcels that have already been developed and they may still have some development potential depending on whether those sites have critical resources or not; so they may still be affected with the zoning changes.

- Ms. Ragsdale said in terms of creating the list of uses in the tables and summaries that we have provided for you we have looked at a number of strategies and language in the Comprehensive Plan to come up with those uses. Therefore, there has been a lot of discussion about these criteria for review of new uses in the Comprehensive Plan that is in the context of zoning text amendments and changes to the zoning districts themselves. However, it is not expected to be special use permit review criteria. So we will go over a little bit more about the special use permit review criteria in a minute, but she just wanted to clarify that because that is a question that has come up a number of times. She noted it is not just about water since you can see there are considerations in choosing the list of uses in whether the use would be compatible with nearby agricultural resources or historic resources and we have some scenic resources as well. Then there are strategies about some specific uses in the Comprehensive Plan so that has led to us making those by right in the list of recommendations for you related to agricultural products and landscape services in particular.

- Ms. Ragsdale said staff has given the Commission a number of things, which includes an updated ordinance that reflects corrections. She said the substance of staff's recommendations has not changed but we have an updated ordinance dated today, which reflects renumbering, and some term updates. She said there are a couple of handouts that are meant to address some questions that we got from the Commission related to the specific uses. Staff tried to provide the Commission some tables for each district, the commercial and industrial districts, C-1, CO and HC that provide a reference document so you can see clubs, lodges for example where that is allowed by special use permit or by-right. She said we have not proposed all of the uses. She said the proposed uses in the recommendations are working from the current commercial and industrial districts and then our recommendations have been based on some of the Comprehensive Plan language and uses that we felt were similar in character to a use that is already allowed in the rural areas. The other factor was to provide by-right uses for these properties to make sure that they had reasonable use and by-right opportunities since the current special use permit requirement effectively makes so many uses by special use permit. She noted when referring to that we had handouts for the public as well.

- We have a number of uses that staff have recommended be allowed by right, and those include uses that may be by special use permit in the rural areas. However, we felt that there had already been a certain review and decision that those uses are appropriate for the rural area because they are a use opportunity already in the rural area district. That includes things like clubs and lodges, schools and daycare centers. Staff felt that some uses were very directly supportive of agriculture and

agricultural products such as farmer's markets, retail nurseries, livestock sales, feed and seed stores that are supporting agricultural operations and then we already mentioned the landscape services being a specific use that is recommended in the Comprehensive Plan. She said staff wanted to make sure that where storage-warehousing distribution was listed as a use or manufacturing and processing that the by-right opportunity remained for properties to have those uses if it involved agricultural products. So these tables have the terms – the use listed on the left – and then on the right provided the definitions in our ordinance for these items and she would walk through a couple of those that were of particular concern to folks. She pointed out in some cases we already have supplemental regulations; those are additional regulations that by-right uses must follow.

- Ms. Ragsdale noted the uses highlighted in yellow. She said there a few uses that are only by special use permit in the rural areas but then also in the commercial districts. One of those are the veterinary uses, the commercial kennel uses and animal shelters. Staff felt like, again, this was an appropriate use for the rural areas; it is a use allowed by special use permit in the rural areas and we felt the commercially zoned properties would be an appropriate use for them and again trying to create by-right use opportunities. However, for veterinaries, kennels and animal shelters in particular we have a number of supplemental regulations that they would have to adhere to with regard to soundproofing and additional setbacks for structures that are used for this use from agricultural or residential lot lines. Therefore, this led to our comfort level in making these uses by right versus by special use permit. We have a definition for commercial kennel but we do not have a definition for all of the uses that the Commission asked about, but typically, we do not get a lot of confusion about what is a veterinary office or a commercial kennel. She said someone that is grooming or boarding animals for compensation, for example, is a commercial kennel. We frequently have pre-application meetings and inquiries on rural area zoned properties so we felt there was a higher level of appropriateness for using already zoned commercial properties for these uses. She said then we saw schools could be a school like you talked about earlier today, which could be a public school. Actually, that school would be under a public use, which is allowed by right in all districts. However, it would be private schools that would be allowed by right and examples like Field School or Regent's School that you may have seen recently. She said clubs may include any non-profit organization and it could include uses related to golf, tennis or swimming but also places like the Moose Lodge or the Elk's Lodge. There are some supplemental regulations related to those uses in terms of fundraising activities.

Mr. Keller asked to jump in for clarification because this golf course piece always comes up. If there are other restrictions you are using those as examples but if there are other restrictions in that category for golf course or whatever it does not mean automatically that this club could have a golf course.

Ms. Ragsdale asked what he means by other restrictions.

Mr. Keller asked if a golf course is allowed in this category.

Ms. Ragsdale replied that there is the commercial recreation category as well that is listed by special use permit. Therefore, she thinks we would have to classify that in the commercial districts as commercial recreation. However, Amelia may want to weigh in on that one. She said it is by special use permit in the rural areas but is a use that is by right for properties not served by public water/sewer in the other commercial districts.

Ms. McCulley asked is your question whether a club use category would allow a golf course as an example; and Mr. Keller replied yes.

Ms. McCulley replied that the answer is yes it could and the definition is provided in one of the handouts.

Ms. Ragsdale said the definition of club was any non-profit organization organized for facilities, dining, golf, swimming and tennis. She said it could be Fairview for example.

Ms. Firehock noted that it could be like a YMCA, a nonprofit swimming club/recreation club and would be allowed by-right. She said that seems too broad and too huge of a catch all with too much lack of review if it moves that way. She also has to say staff has done a tremendous amount of work on this. We will go through all of these together, of course, but she feels like this is too much for a public hearing like this and feels they should have had a long work session on this. She noted they were given a ten-minute heads up and that there was one meeting that was available but there is a lot to go through here and she actually was quite concerned of unintended consequences because there is so much to unpack in all of these elements.

Ms. Ragsdale asked if the Commission minds if staff runs through the rest of the presentation and then see where we are.

Mr. Keller apologized for the interruption but he was so surprised by what now we have learned.

Ms. Ragsdale continued the presentation. She said staff had given the Commission the table and the definitions and these were the by-right uses. There are a number of uses that are allowed by right in every district – the Tier I and Tier II cell towers, the storm water facilities, the public uses and that sort of thing. She said that was in the handouts but she did not think we would need to spend a lot of discussion on those because they are just automatically by- right uses in every district. She said we talked about the commercial kennels and the vets; schools and lodges as far as what would be allowed by right in the commercial districts; the distribution of agricultural products and the light industrial districts. There are no heavy industrial districts that would be affected. She noted these are the list of uses that staff has proposed would be by-right – again farmer's markets, agri products, and processing and warehousing; storage of the agri products; storage yards; sawmills is one of those by special use permit uses that we felt would be appropriate for industrial zoned property in a rural area; organic fertilizer as a use – that would be fertilizers made from animal or plant based; or mulching composting type operations.

Ms. Ragsdale said staff mentions this special use permit criteria and wanted to talk a little bit about what would not be affected with this zoning text amendment. She said it would not affect properties that already have water to existing structures unless the water to existing structures wanted to expand and it was one of those uses that is not by right and by special use permit and would go through the special use permit process. She said the current process she mentioned earlier for properties that are in the jurisdictional area would remain and this would not affect properties that are served by a central system. A use was added for those properties that have existing special use permits so the existing special use permits and conditions would remain in place; and if they need to modify them, they would go through the special use permit process. If they proposed a different use, it would still be a special use permit process.

Ms. Ragsdale said staff is not developing specific review criteria, supplemental regulations or performance standards for properties that are in that subset. She said the commercial and industrial with no water but in the rural areas we are relying on our general special use permit process. Therefore, that would be the findings or the language that you see over and over again in our staff reports when reviewing a special use permit. She said it would not be of substantial detriment to adjacent lots, that the character of the district would be unchanged, it would be in harmony and consistent with supplemental regulations in Section 5 and consistent with the Comprehensive Plan. The Commission may recommend and the Board may impose conditions for special use permit uses and is where we could talk about mitigating impacts of a proposed use the size, scale and traffic if they are certain impacts that would need to be addressed with special use permit conditions. She noted that is some of the language from our ordinance that would factor into crafting conditions. We are not limited to that list, as you have seen with our special use permits the Commission reviews and it would be that process that is already in place.

Ms. Ragsdale said staff had handed out an updated ordinance dated May 8 for the Commission and that included renumbering, clarifications and adding uses that we did not intend to omit, like fire and rescue squad, and we have updated the terminology and the version handed out is annotated. For example, the county has approved a new recommended some term updates so we are no longer using mobile homes but industrialized buildings and religious assembly uses instead of churches is an example. Staff has a June 13 public hearing set with the Board so the Commission may choose to recommend it, recommend it with some recommended changes or potentially recommended it for denial for the June 13 public hearing.

Ms. McCulley said just a couple quick words in we are dealing with several hundred use categories in total. She said as you look across the four districts and as she looks at our commercial use districts, it makes her crazy that they are so out date and she cannot wait for the time we can update them. She pointed out this was an expedited ordinance amendment that the Board asked us to deliver on June 13. She recognized that everybody could have benefited from a work session and we were really pushed hard to get this done on that timeline and noted she appreciates Ms. Firehock's comment. As you are considering these uses if there is something you are uncomfortable with by right then you can recommend that it move to the special use permit category or that it be not permitted. She asked them to be thinking along those lines as you hear public input and have further discussion.

Mr. Keller invited further questions for staff.

Ms. More said on page 3 of the report you talk about the criteria not meant to be used as special use permit criteria and then list the criteria for review of new uses. She said that seems to be a little bit more of a comprehensive list than what you have on page 6 at the bottom, the factors to be considered when acting. She asked staff to explain the criteria for a review if a special use permit would be required for a new use.

Ms. Ragsdale said this use is for whether or not it should even be allowed by right or by special use permit in the rural areas. Therefore, those are factors we should consider when we are doing zoning text amendments to the rural areas district and we felt that they were ones that we should look at in looking at the commercial and industrial properties that are located in the Comprehensive Plan of the rural areas. She said this was specific language used in that context so you would look at the broader goals in the Rural Areas Chapter of the Comprehensive Plan. She noted the next slide shows the more general

goals that are in our policy and also the special use permit criteria in the ordinance that we had on the later slide.

Ms. McCulley said just to follow up on that the bottom page 6 that talks about conditions and factors to be considered that apply to special use permits across the board and are the criteria that universally apply to your review of special use permit requests.

Ms. More said she was familiar with those but was still confused on page 3 the lead in to the Rural Area chapter and then it goes on to say the criteria are not to be used as special use permit review criteria. Then it talks about consideration of new uses in the rural area and lists criteria for review of new uses. She asked would those be used in addition to those, which are already used for another special use permit.

Ms. Ragsdale replied no, it says that these are analysis of impacts that should be considered in zoning ordinance changes.

Ms. McCulley pointed out the page 3 language is in the Comprehensive Plan and sort of is the policy behind any ordinance amendments that you would make for uses in the rural areas. Therefore, we are starting with kind of the foundation of the Comprehensive Plan policy as we are considering which uses we are recommending in this new category for basically uses serviced by private water and our policy foundation in coming up with the list as well is looking at what the rural areas zoning district allows.

Mr. Blair said to answer Ms. More's question in addition to what Ms. McCulley stated he thinks for instance if the Board of Supervisors adopted the ordinance as presented let's take on the draft ordinance 22.2.2 and b. if the use is not served by public water or a central water supply system we will take 3. Department Store. If there was a special use permit application it would still go through the traditional analysis as to whether to grant a special use permit which are the factors in 33.8. It would not include the factors on page 3 of the report.

Ms. More said the factors on page 3 staff used to create this list of uses. She finds that interesting because we talk about the compatibility with the surrounding area and she would guess that is something you would look at. The language is just different if it was just to go under a special use permit. She pointed out she did not get it that this was the criteria for review of new uses why there are some of the new uses that are actually here since she did not think they matched up to go under this level of scrutiny.

Ms. McCulley said we should go through those as the Commission has questions and concerns.

Ms. Firehock said she hoped she did not ask a confusing question because she was confused. She asked staff to talk a little more about this substantial list of the properties that are affected by this change with helpful maps and showing which ones were zoned what. She asked Ms. Ragsdale to explain how we will treat these. She asked do they just become grandfathered or changing their use to by right. She noted that she did not understand that entire list and asked staff to sum it up.

Ms. Ragsdale replied that there are properties that are already developed so they are vested in those uses and they can continue those uses.

Ms. Firehock asked if by right forever, and Ms. Ragsdale replied yes, so if there is an office use that is established when we adopt the ordinance it can continue and as long as it continues and does not stop for more than two years, then it remains a by right.

Ms. Firehock said when you just said that last statement as long as it continues so they are in a sense grandfathered and they have to keep in that use substantially for the vast majority of the property, etc. and so if it were to change out of that active use it would revert.

Ms. Ragsdale replied yes, if they have established an office use and they want to do a restaurant, they need a special use permit.

Ms. Firehock said that was my confusion since she did not understand that we were essentially grandfathering, which she would hope we were.

Ms. McCulley said they were legally nonconforming and what we would expressly grandfather, which is different than legally nonconforming, is those use that a special use permit that was approved prior to June 13, 2018 and that requires those conditions to remain in effect in those uses.

Ms. Firehock noted that she also picked that up that it did not apply to those that were existing.

Ms. Spain said back to page 3 the criteria for review, what type of priority should we put on the decision that it needs a rural area location in order to be successful because when she looks at these by right uses many of them don't need a rural area to be successful. So why are we saying they can be by right rather than special use.

Ms. McCulley replied that this is a balancing act. She said we are trying to strike a balance between the uses that currently listed as allowed by these commercial and industrially zoned properties and the uses that we think are appropriate because they are served by private well and not public or central water. Therefore, it honestly is a balancing act and we want them to have some legitimate by right and special permit uses available to them even though they do not have public or central water and so with all of that in context with these other policy considerations for the uses that should be allowed.

Mr. Keller invited other questions for staff.

Mr. Bivins asked to go to page six of the staff report so he was assuming what we are saying here that list of bulleted items for the proposed commercial zone by right activities that you are suggesting that would be by right.

Ms. Ragsdale replied that they were not by right now because of the special use permit requirement the limit of 400 gallons per acre per day all of them are by right except the vet offices, hospitals, commercial kennels and animal shelters. Those are by special use permit in the commercial districts and farmer's markets are by right in the commercial districts and are by special use permit in the light industrial districts.

Mr. Keller said a follow-up on one of the questions was he does not think there was really an answer to in italic from the CAC meeting about the question of scale. He said it was raised by one of the participants from the appendix that we have and asked how scale would be addressed in by right since he understands how scale would be addressed in special use.

Ms. Ragsdale replied that those would not have limitations and would follow the commercial and industrial district regulations for setbacks. She said buffers are required for industrial and commercial districts and if adjoining residential or agricultural properties it would be our site plan review process. She said it would be by right uses so they would not be addressed, but some of these uses allowed we felt should be allowed without limitation for the rural areas because some of them are supportive of the rural areas particularly the farmer's markets or the nurseries.

Ms. McCulley said we realized to get into performance standard kind of scale and character and that type of criteria that staff would need a lot more time. She said because we are dealing with such a variety of properties in terms of size, location, environmental constraints and so on and so forth and cannot really achieve that in an expedited schedule.

Mr. Keller said he looks at something like livestock sales that would be by right and he thinks of the impact of the equestrian centers in Culpeper for instance are different but maybe that same sort of thing in terms of trafficking. He was assuming in the by right VDOT would be doing a transportation analysis.

Ms. Ragsdale said all of the supplemental regulations and the site plan review process is preserved and VDOT would be part of that. She said just because we are saying in this conversation that we feel like they are more appropriate or supportive of the agricultural or rural area does not mean that they are still not commercially zoned properties and they still need to go through full site plan review process. She said that includes the Site Review Committee opportunity. She said in some instances with the veterinary uses in particular we have some substantial supplemental regulations and then in other instances we would really be falling back on our buffering and screening requirements that are required in any commercial district when it abuts a rural or residential property.

Ms. Riley said just to follow up on those questions since she knows we keep going back to this on page 3 under the criteria for review of new rural uses. She said that as it came out of the Comprehensive Plan at the bottom of that bullet list it says performance standards will be needed for any new uses to ensure that the size, scale and location of the new commercial uses recommended for the rural areas are appropriate.

Ms. Ragsdale said that this section again might have confused things in using it, but there are no Comprehensive Plan criteria that speaks to this subset of parcels that we are talking about this evening. This section is specifically in the Comprehensive Plan for when we are looking at changes to our rural areas zoning district and so it generally informed us but is not something that we have to check off every item on the list. She said it generally informed us as Amelia said in trying to strike a balance with this unique subset of parcels that we have. She pointed out you can see where they are located and some of them are right on the edge of the development area in some cases. She said staff probably should have qualified that a little bit more, but in the report, we said that they are not to be used as special use permit criteria and through this process, not every single one of the uses is going to meet every single one of the criteria that is in there. Therefore, the performance standard language is about if you were adding new uses to the rural areas zoning district itself not this situation.

Ms. Riley said she understands that, but the concern that we have is that there is some process. She said if we are moving from a legislative process because we are not requiring special use permits to an

administrative process, which would be by right she thinks we still want to see that there is some performance standards in place that address scale and intensity. She noted that is the concern here.

Ms. McCulley said that she appreciates that and so one of your options to maintain the Board's schedule would be to move every one of those uses to a special use permit and have as a later phase that would do that analysis and come back with performance standards that could make them by right uses.

Ms. Firehock said that rather nails my direct concern because some of these uses are in locations that today we would not deem appropriate based on where they are for industrial or commercial. She said then to make these things by right and take away that she had circled a number of things staff moved from special use permit to by right that she thinks would still require that level of review because of the parcel's location. In other words, she cannot rely that the zoning we have today based on your own presentation that we would redo that the same way in 2018 given the conditions. She suggested that we either make them all special use permit or we go through this list and circle those ones we have heartburn with in the handout that she has moved from special use permit to by right.

Mr. Keller opened the public hearing for public comment and noted that Vice Chair Riley is going to run this section of the meeting.

Ms. Riley invited the first speaker signed up, Scott Knight, to come forward to speak.

Scott Knight, Pastor of Rivanna Community Church, said they own 601 Earlysville Green which is zoned C-1 not serviced by public water and so this concerns us. He thanked the Commission for hearing the comments he had. He said my main general concern is that those of us who own these properties have paid a premium for them because they are zoned commercial. That includes that there a number of things that we can do with the property by right and that has value inherently. He said we bought the property five years ago. Therefore, the versatility of that is a critical component to these properties value. The proposal the vast majority of these uses be moved from by right to special use will cause these properties to be less versatile and so less desirable and less valuable. He noted that is his general concern. He said my immediate concern is that our church is trying to change locations; we are under contract with another piece of property and we are expecting an offer on our property in the next day or two. When the potential buyer asked about the property, their first question was if it is zoned commercial and he said yes it is. He said this in the back of my mind is well our property is going to be less desirable and less versatile so less valuable when he does his due diligence. So that could keep us from getting the full value of our property and potentially if we didn't get the full value of our property we would not be getting what we put into it to purchase this other piece of the property and could potentially even scare the buyer off. He said to me it is not a question to me whether the property value will drop it seems that it inherently will drop. He said when they discuss it he would love to hear how you could justify rolling out the Comprehensive Plan in such a way that the property owners bear the full cost of this. Thank you.

Kevin Schuyler said that he lived in the Pantops area and a couple of years ago he bought a property with the goal to collaborate with my brother and run a small business. Therefore, we bought a property; it is located at the corner of Richmond Road and Hunter's Way in the Shadwell area. He said as the pastor that we paid a good amount of money for it because it is currently zoned Highway Commercial. He said it also is surrounded by commercial areas on our side of the street and so we are right next to a daycare center, AmeriGas, UPS, Landscape Supply, public storage and so forth. Therefore, it is very much already a commercial area. When he thinks about this proposal, what he sees is that it is presented on

this screen like a gift but he sees it much more as a taking. Therefore, as he goes through and thinks about the types of things that my brother and myself will be able to do on this property it becomes much more severely limited unless we want to go through a very onerous special use permit process, which he knows is time consuming, expensive and also uncertain. He said just to give you some examples he sees a real disconnect between the various uses that are currently by right that are now recommended to become special use permit required in water intensity. So for example, auto repair shop, building material sales, financial institutions and none of these are water intensive uses. It also includes furniture stores, hardware stores, auto part sales, clothing, apparel, shoe shops, optical, sporting goods and these are not water intensive uses. He said we have 1.43 acres and so are already limited to about 650 or some gallons a day. He said that these uses, which we currently have by right, are being taken away. If you actually add them all up, which he did, 30 out of 50 by right uses would go to special use for Highway Commercial. We also have the ability to use all of the C-1. Commercial by rights and 31 out of 46 by right uses would go away. Therefore, in total 61 out of 96 by right uses would go away. He said it does not make sense that all of these are going to go away especially when many of them are not water intensive. He concluded that either we should identify the uses that are not water intensive and continue to allow them by right, which they already are, or we should exclude properties, such as ours, that is already developed. He said the property already has three buildings on it and surrounded by commercial buildings. He talked to VDOT and we have 24,000 cars a day going in front of our property. There is nothing rural or pastoral about it. He asked the Commission to consider slowing down this process that seems to be running awful fast and to slow it down. He suggested the Commissioners ask themselves some of these questions about whether or not these low water use activities should continue to be by right as they are today or whether some properties such as ours should be excluded from this drastic and fast change. Thank you.

Pete Craddock said good evening Mr. Chairman and members of the Planning Commission. He said he lived in Milton, Virginia and was in town tonight and here to support the proposed ordinance establishing a list of uses by right and by special use permit for uses that are served by water and for those uses not served by public water. Specifically, the rural interchange at Black Cat Road in Keswick has been a point of contention since the early 2000 when he was on the Planning Commission. It is wonderful to see that the ZTA addresses concerns by removing the ambiguity and providing clarity. This is a better aligning of the Zoning Ordinance with the goals for resource protection and other rural area goals and strategies in the Comprehensive Plan. He thanked Ms. Ragsdale, Ms. McCulley and the other contributors for their work incorporating the input from the citizens of Albemarle into this ordinance.

Greg Duncan, county resident, said Pete Craddock was a hard act to follow and he agreed wholeheartedly with what he said. There has long been a conflict or disconnect between the Zoning Ordinance and the County's Comprehensive Plan. The proposed amendments to the Zoning Ordinance will go a long way to resolving that conflict. He would like to point out that this is all a balancing act and you will hear people with commercial interest say that maybe the value of their interest might go down if something else goes up. The converse is also true that the value of my house in a rural area not served by county water will go dramatically down if a large commercial interest comes in and takes up the water. He said he too would like to commend staff since he thinks they have done remarkable job in trying to tame this tiger in a short period. He said he commends their efforts and fully support the proposed zoning amendment and ask that you do as well.

George McCallum said he came to Charlottesville in 1962 and has been a residence of the county since 1978 living between Earlysville and Nortonville. He said as an attorney that he practiced real estate, land use and other law since 1978 and was intimately involved in monitoring and commenting on the

Zoning Ordinance that was adopted in 1980 which is the current base. It was to implement the Comprehensive Plan at the time. The zoning categories that we are looking at here CO, C-1, HC, and others were fought over and adopted at that time with zoning language and part of the recognition was to recognize the uses of those properties at that time. This really came home to me when he reviewed staff's analysis in attachment A which on the second page has an overview but then on the inside has the individual ones. He said he was only going to speak to C-1, CO and HC zoning because these are the ones he is familiar with and he was not familiar with uses in Light Industrial. If we look at the summary on the front undeveloped acres C-1 is 15 acres; CO is zero and HC is 16 acres and the developed areas C-1 is 36 acres; CO is 16 acres and HC is 46 acres. The developed ones are owners who have built something and are using it on a by right basis and if it is one of those by-right uses that are being moved over to special use their use has become a nonconforming use.

Mr. McCallum pointed out he was going to point out four or five of them for you to look at.
He noted Earlysville which he is very familiar with; Stony Point - the Shadwell Richmond Road area which is on 250 high speed and it has all kinds of things; North Garden's crossroads which has been developed in to a nice center; Ivy; and on the North Ridge Ivy Road out to Ivy Nurseries. He noted that everything on the right there would become potentially nonconforming in this as he looks at it quickly. He said Earlysville is C-1 but it is surrounding by commercial. He said that he wanted to tell the Commission a quick story that was about the church. The church has been many things that have been changed by right with a zoning clearance without having to come in for a special use permit. In conclusion, Mr. McCallum said that it is the unintended consequence. He said you have had a few instances of a problem under the existing ordinance that has led to this discussion and you are going to replace those few that have happened with a pluffer of special use permit applications.

Travis Petrolia, with the Southern Environmental Law Center, said there is no doubt this is a challenging issue but it is one he is glad the county is finally working to address. He thanked staff for the time and thought they put into it so far and we appreciate this and other opportunity to provide input. We agree that the 400 gallon per site acre zoning provision has been problematic and that the owners of these parcels, their neighbors and the general public would all benefit from a clear way to identify which uses are allowed and not allowed on these parcels. The bigger problem is that the stale zoning on these parcels is in direct conflict with the rural area designation and the Comprehensive Plan. This has resulted in a number of proposals over the years that are clearly inappropriate for their location in the rural area and these cases have damaged the public's trust in the Comprehensive Plan. Because these parcels are located in the rural area we believe the most logical starting point for determining the uses that are appropriate on them is the uses currently allowed in the rural area zoning district. Notably, this would allow a number of agricultural based uses that are currently not permissible on these parcels under their current commercial and industrial zoning. From there the county should then consider which other commercial and industrial uses may also be appropriate. We are concerned that on the one hand the proposed list of uses for these water restricted parcels tries too hard to ensure that all uses that are currently allowed in the commercial and industrial districts would still be allowed. On the other hand, uses currently allowed in the rural area district are not included among the uses that would be allowed on these parcels. We believe this results in a list of uses that if simultaneously too permissive and too restrictive for these rural area parcels. Among the proposed by-uses we feel are too permissive for these water restricted parcels is clubs and lodges which can include a major golf or swim club. These are currently only allowed in the rural area by special use permit and the county has recently considered eliminating them outright as a permitted use in the rural area. Another proposed by-right use is problematic is home and business services such as grounds care, cleaning, etc. He said that is a very vaguely worded use category that could be stretched well beyond an appropriate rural area scale. He

said mentoring uses that would be allowed by special use permit many of those are even more problematic including hotels and motels, factory outlets, large sporting goods stores, motor vehicle sales and automobile laundries. He said to sum up we support the county's efforts to tackle these important issues but we believe a different approach to determining uses is needed and it makes sense to start with the rural area zoning district and then working up from there. At the very least we urge the Commission to take additional time to carefully review the proposed uses to make sure those being recommended to the Board truly reflect the county's vision for the rural area.

Valerie Long, Crozet resident and practicing land use attorney, encouraged the Commission to take a little bit more time since she was not sure what was driving the deadline here. She said she knows the Board is looking for movement on this but she is not sure why that is. There are many changes that have been brought forward today and she has been frantically highlighting trying to get a handle on what those changes are to understand how they work. She said as several members of the public have commented on why the parcels that are zoned this way. First, it was an intentional decision back in 1980 to recognize the commercial and industrial uses that were already in place on these parcels, which is why the zoning was carried over. She said those owners have been paying taxes on the value of those properties based on their zoning ever since whether they are the current owners or prior owners. Those uses are allowed uses now, this is essentially significant downzoning of those parcels in a way that feels very rushed to me, and it sounds like many of the folks here in the public as well. She said there is a lot of confusion and she thinks these are very important decisions and some more time should be taken. When we process special use permits for our clients we can never get anything through this fast and that is because staff appropriately requires a lot of community input and staff review and analysis. It usually takes us a minimum of six usually nine months to get a special use permit through and this zoning text amendment has happened very quickly. In addition, the comment with regard to the fact that existing uses/established uses that are there now will be able to continue. The example that was used is there is an office building on a commercial zoned property that use can continue so long as it is not discontinued for two years it would be a legal nonconforming use. She said several important issues to remember is there are many restrictions on legal nonconforming uses – they can't be expanded or enlarged and if you take a break for two years or more you lose that status. A further restriction will be that you can no longer change that use from an office use to some other commercial type use that might be just as appropriate. Perhaps a small retail store that does not require water intensive needs. Therefore, it really does severely restrict the value of these properties and the uses that can be made in a way that is very detrimental to the value of the investments that these owners have made. She thinks it also can be considered inconsistent with the Comprehensive Plan's recognition of the value and importance of rural crossroads communities to those who live in the rural areas. The crossroads area is a wonderful example of that. It would make those properties much less valuable and much less more challenging to be viable in the future for the benefit of the folks in those communities.

Neil Williamson, with the Free Enterprise Forum, said he has seen this group do a number of things over the years and push back when needed as an advisory group to the Board of Supervisors. He said we believe this is essentially a down zoning especially when you look at the uses that have been highlighted that are now going to be special use that don't really have the water impacts that this resolution of intent was really designed to fix. He said a simple fix could have been that a third party inspector must deal with a 400-gallon meter that would be an objective management technique for the water usage. He said that they need more time with this. He noted Ms. Firehock raised the idea of taking some things that are now by right and push them over to special use. He asked Mr. Blair to speak to whether that is a more restrictive ordinance and thus would require an additional public hearing which would require advertising and would request more time.

Mr. Williamson said he was very concerned and sees this as an opportunity because eliminating hardware stores in commercial zoned property in the rural area is not what the resolution of intent was about; it was about the 400-gallons of water usage. He said staff has done a good job with the guidance they have been given but he thinks they may have overstepped or been directed to overstep. He said for you to move forward with this either in a positive or negative he did not think they are going to have the opportunity to do the kind of planning and review that this group generally requires. He said as a Commission he thinks they should say if we have to choose reject but suggest you would like to have the time to develop objective matrix for things that could be acceptable. He said the idea of performance standards, which are called out in the Comprehensive Plan, are doable things but are hard. This is the Form Base Code idea that you are talking about in the development area being applied on specific properties and what could we do with the properties that are zoned commercial to recognize that zoning and allow these property owners their property rights.

Ms. Riley invited further public comment.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Ms. More said on page 4 because of what we discussed on page 3 she thought these are things that are not going to help inform or be criteria for reviewing the special use permit. However, they are criteria staff used to create some of these proposed uses. She said in addition, under strategy 9a, when staff talks about continuing to provide public water and sewer and then at the very last part it talks about access to Crozet Sewer Inceptor between the boundary of the Crozet Development Area and the Urban Service area boundary should continue to be prohibited as well as the installation of private, central or urban service or private water and or sewer system in the development area. She asked is that a statement that will help inform how we are moving forward or is that just another statement.

Ms. Ragsdale replied that this is for when we have jurisdictional amendment requests so properties that are outside the development area that requests water and sewer service this would still be applicable. She said the expectation is that the ordinance requires the development area properties to connect to water and sewer unless there are special circumstances we can approve them not to connect. She said but it is the opposite in the rural area that they are expected to be served by well and septic and not public water.

Ms. More said she had one other quick clarification she wanted to make because our maps are supposed to be showing us parcels zoned commercial and industrial in the rural areas that are not served by public water. She said if you could take us to Yancey Mills/Rockfish Gap Turnpike area and help orient me to the Neighborhood Model District, which is in the growth area, and directly across from that is the smaller red Highway Commercial. She asked what building is that.

Ms. Ragsdale replied that across from Old Trail is Brownsville Market, which would be affected. She asked to clarify the maps for a minute because that is something that came up that she tried to clarify in the staff report. She pointed out this map is showing you affected parcels and their abutting parcels. Therefore, it is giving you the context of the affected parcels. She said we tried to do it all on one map and were trying to show three different layers, Comprehensive Plan designation, zoning designation and then the jurisdictional area designation. Therefore, if it has a hatching of any kind then it is not served by public water. She pointed out that Yancey Lumber, for example, has water to existing structures only

and the Heavy Industrial property is already served by water. She said there is a patchwork of designations in some places but along this corridor the Highway Commercial that you are seeing some are water only to existing structures and she would have to look up the Brownsville Market as an example.

Ms. More said it is water only and it has the hatching.

Ms. Ragsdale noted that one thing she did not mention earlier is that most of these parcels are small in size. Therefore, when you were talking about the bigger more land intensive uses like golf courses we do not have any parcels large enough that could accommodate a golf course for example that are zoned commercial and the same thing goes for livestock sales. The larger parcels that we have entered in the report are some of our industrial ones and she just wanted to clarify that when they were talking about the parcels and the maps because staff was trying to do as much as we could on one map. She said some of the information is the abutting parcels and then the development area boundary are the brown line on the map. She pointed out that corridor is water to existing structures only that includes Brownsville Market and some of the other businesses along there such as the old F&R and the other little market there.

Ms. Spain said she had a grandfathering question that she thought she understood from Ms. Firehock that the commercial and light industrial properties would have grandfathered in by right but several members of the audience are saying no they would lose their by right designation.

Ms. Ragsdale replied right, she thinks Amelia was trying to clarify that earlier. She said we specially allowed properties that have a special use permit to continue. She said like Amelia and Valerie said there is a specific section of our Zoning Ordinance that addresses nonconforming uses and structures and they would not be able to be expanded or enlarged or changed in character. She said the existing uses could continue under our nonconforming section of the ordinance, which has that stipulation that if it discontinues for more than two years then it would not be able to be reestablished. She said the idea is that uses go away or fall under the new ordinance that is the whole concept with nonconforming uses.

Ms. Spain said right but if the church, for example, if they sell that property are they also selling the commercial by right uses that it enjoys now.

Ms. Ragsdale replied that the by right use of the property now is the church.

Ms. Spain asked if nothing else could be there except the church.

Ms. McCulley replied no, there would still be other by right uses available to them and somehow she thought that area was served by a central water system. However, she was not sure because she did not have the full list of central water systems and properties that are served by a central water system are treated the same as public water system for the purpose of this ordinance amendment. However, you would still have the right to continue the previous use or whatever is a by right use in that zoning district. The other thing that comes along with nonconformities is that it can be a more restricted use. So it is somewhat hard to go into detail about that because you a real specific example to know what it would change to.

Ms. Spain said she was concerned about the issue of these properties losing value, which is the part that she does not understand. She asked are you saying that if we pass this recommendation then we would say everything should be special use permit, and then they are going to be affected by that since the existing uses will be affected by what the Board says.

Ms. McCulley replied yes, and to be clear staff came up with a longer list of by right uses because we recognize the need to strike this balance in providing by right uses for those properties served by private well. She understands there are some questions about some of those uses that we have included so maybe the Commission is not comfortable with all of them being by right uses but there are multiple by right uses even in our recommendation for properties served by private well.

Ms. Spain said she did not know why she could not get this straight in my mind.

Ms. McCulley pointed out the other option is a special permit and if somebody has a use that they wish to change to it no longer falls in the by right use category but instead is a special permit category then they have the option to apply for a special use permit.

Ms. Spain asked to take the instance of the man from the Pantops area, if this goes through is his property going to lose value, as he believes it is.

Ms. McCulley replied that she is not an appraiser so she cannot answer. She said there would be a diminished list of uses by right and so assuming numbers of uses by right have a direct relation to value and if that is how it works. She said let's circle back around the way this has worked with the 400 gallons per site acre per day that there are virtually no by right uses, it is very difficult if not impossible to come in on these properties and say my use does not use much water because we don't have identifiable industry standards for water uses. It is not like transportation where you have an ITE Manual with an international group of engineers who agree on certain things about traffic and things associated with that. When you are dealing with water there is no one standard everybody has an opinion. So it has become virtually impossible for somebody to prove that they will not exceed the 400 gallons per acre per day. So we started from a position of if we are going to say it is problematic now nobody really is able to find by right uses and this explicitly gives by right uses where there are none now because of the language of this 400 gallons that you cannot prove.

Mr. Blair said he would like to further clarify that in if you look at the current language that these properties would be subject to it states, "uses permitted by right not served by public water involving water consumption exceeding 400 gallons per site acre per day." As Ms. McCulley said that first there really is not something we can point to such as current traffic standards. There is nothing that we could point to on a use that is an "industry standard" for this water consumption and the more problematic aspect to that language is it is not an average it just says per site acre per day. Therefore, if your use is using water we get into and again this puts property owners in a bind could your site conceivably use 400 gallons per site acre per day. Without industrial standards, it is very difficult for us to say yes that this clearly will not exceed the current ordinance language and so the use is then are mostly subject to special use permit.

Ms. More said that clarified a lot and adding on to your concern about property values she definitely wants us to keep striking the balance of the flip side of the people whose property values are affected negatively. She said when a use like this goes into an area of stale zoning or whatever you want to call it

there is another side to property value being affected and she thinks that is part of the balance we are hoping to strike here.

Ms. Firehock said she would make a brief comment to tag onto our attorney's comment. She said the other problem with the current standard of the 400 gallons is that its intent was to preserve water supply and to avoid depleting ground water resources. The problem is that the county does not have a detailed groundwater wrap and she has taken graduate PHD level courses in groundwater hydrology so she does know what she is talking about a little bit on this topic. She said that is what makes it a bit arbitrary and the problem. She said so that is what started all of this in terms of trying to look at that as a standard for regulating these properties. However, she also takes Ms. More's point that we do not want to then in effect to remedy a poorly designed ordinance with good intention that we then have other repercussions on people. She reiterated her point earlier that she does not think that we have enough time and she would be leaning more in the direction of Mr. Williamson and would say she is not prepared to vote on this. She said we can go through the individual things of by right or not by right but she does not feel that she would have enough time to process what the repercussions of this are. She said that she knows staff spent a lot of time on this and there are probably really good reasons why something is in one column or another and why something has moved from special use permit to by right. However, she does not have enough background even if had that discussion whether to agree or disagree with you at this point and she just has a gut reaction to some of them. She asked is that a good enough reason for voting.

Mr. Keller said he had a question that Ms. Riley just passed to me and she would do a modification of it from the two of us. He said there is no meeting scheduled for May 15 and asked if there is time to advertise and have another public hearing and let this in effect be the work session.

Mr. Blair replied there were two things, number one he thinks we did ask at one of our April meetings we asked about the Commission's availability on May 15 and he believes a majority of Commissioners at that time did not have that date available. He said he did not know if things have changed but he knows we asked specifically about May 15.

Mr. Gast-Bray noted the Commission could also continue this particular discussion from today instead of closing it you can continue it to May 22, and Mr. Blair agreed.

Ms. McCulley asked to talk through timing for the legal ad because first we need to know what we are advertising if we were advertising something different and then Mr. Blair if you could remind us of the Code requirement for advertisement prior to a public hearing would we meet it if we did it on the 22.

Mr. Blair replied if the Commission acted on the 22nd there would need to be advertisements May 28 and then June 4 because the advertisement could not run on June 11 due to the Board meeting being June 13. He believed the absolute deadline is Wednesday so he supposed if the Commission acted May 22 that we could try to get to the deadline on the next day, that Wednesday.

Ms. McCulley asked if the ordinance that would come to the Commission on the 22nd were a different ordinance would we need a new legal ad.

Mr. Blair replied no, this is not a zoning map amendment where the requirement for readvertisement is activated and Section 15.2.22.85 talks about that both the Commission and the Board of Supervisors for zoning text amendments have the ability. He said the specific language states you may make

appropriate changes in the proposed ordinance or an amendment as a result of the hearing and that does not trigger on a zoning text amendment re-advertisement requirement. He thinks what Mr. Williamson may have been referring to earlier is there are re-advertisement requirements for zoning map amendments but not the pure zoning text amendments. The Commission and the Board do have the ability to make changes in the proposed ordinance. For instance, if you recall he knows Commissioner Bivins was not on the Commission at the time but he thinks at the farm winery, breweries and distilleries ZTA the Commission made some amendments at that particular hearing and then they were in fact moved onto the Board of Supervisors for their consideration.

Mr. Keller asked if the Commissioners had an option to continue this would you rather have that than a vote so he can get a sense of this is were to continue to May 22.

Ms. More said that she preferred to continue.

Mr. Keller said that it seems that we are seeing that and staff has said if we could be very specific about what we would like to see from staff and he thinks he understands from council if we continued we could do the 22nd and staff could still meet the Supervisors date. He said he was much more clear on this but he was not prepared to make a decision having heard the staff presentation and from the public and put that in combination with the comments from the CAC in our packet. He asked if there was a motion to continue this.

Mr. Blair asked for a motion to continue this particular public hearing until May 22, 2018 at 6 p.m. and then when you get to adjournment make it clear that the public hearing and this meeting are adjourned until May 22, 2018.

Mr. Keller asked if we need to have the discussion to direct staff and after we have done that then we can make the motion.

Mr. Blair replied certainly.

Ms. More added that just looking at our tentative agenda we already have a long item.

Mr. Keller said we have talked about moving the ZTA so that we would make room for that.
He noted that Ms. Spain had pointed that out to me a moment ago.

Ms. Firehock noted that she will not be able to make May 22 either and asked if it could be on May 29.

Mr. Keller replied that staff said that would not work.

Ms. Firehock said she would spend some time one on one with talking to staff in the interim to broader my understanding and then relay my thoughts to Commissioners.

Mr. Keller pointed out that Commissioner Dotson will be back on May 22. He asked for recommendations for what we would like staff to do that would help us in our decision-making.

Mr. Bivins said he was really taken by the idea that what we may be proposing and suggesting going forward to the Board of Supervisors has a significant impact on property values. Therefore, there is a bunch of things in here given the size of some of the parcels we are speaking about that he thinks that

excludes a number of the activities just because there is not enough space to do some of the uses on some of the places here. Therefore, he would actually like to have from staff some idea of which pieces of property since there are 80 of them that will have a significant impact on them. He said Commissioner Riley spoke about those properties that sit on the highway or Entrance Corridors which we would expect that would be the largest variance if there was a significant change in the zoning there. He said that would help me to have some idea whether or not we are talking about at the margins or significant variances in the property. He understands that staff is not an appraiser but thinks if a piece of property had five or six options to it that we would be taking that piece of property down to three then he would have a sense that you have narrowed the set of possibilities that could be used that property might be subjected to. However, if you were telling me it is going down by one and that one happens to be something that would be difficult for me to comprehend would be down there then he would have an idea of impact. Right now, he has no idea of the impact of what some of these changes might be.

Mr. Keller said you are using the example they gave us that the golf course and the livestock that there was not enough land the livestock. He said that they really are not talking about that. He thinks that really this would be extremely useful to the Board of Supervisors in the final decision-making.

Ms. McCulley said she knows we heard from one of our speakers about the changes in numbers so clearly there is a reduction in numbers listed of by right uses based on the proposed ordinance. Again, it is our position that you really have no by right uses so that is almost academic because you cannot prove that you do not exceed 400 gallons per site acre per day. She said that is the position that we put property owners in.

Mr. Keller said he must say having gone through this the presentation on May 22 needs to begin with that point. He said it can be argued, it can be litigated or whatever but if that is the staff's point of departure that will be most helpful for this body and for the Supervisors to hear up front controversial as it is.

Ms. Spain concurred with Mr. Bivins but if we are only talking about the areas not served by public water why do we have all the other information about places served by public water in the staff report. She asked is there some way to simplify it by concentrating only on what we are supposed to be looking at instead of looking at comparisons.

Ms. McCulley replied that we could do that.

Ms. Riley said she was still trying to understand when staff recommended something to be moved from the by right into the special use category or vice versa what the basis was. She said you could go through every single one but is there some way to group or categorically address that, otherwise, it just looks like a random list in some ways.

Ms. Firehock pointed out that she could not follow it.

Mr. Keller noted that this afternoon we asked if there was anyway staff could modify that one chart that we had with the third category that would show that movement.

Ms. McCulley pointed out Ms. Ragsdale presented something in a grid but it does not give sufficient time for everybody to have that but does follow along the lines of what you are suggesting. She thanked them for that.

Ms. Ragsdale said that was one of the tables staff put together and she did not go through it in detail in the presentation but that is one of the handouts passed out.

Mr. Keller asked that she just call that to their attention which one that is you are referring.

Ms. Ragsdale replied that the staff comments were very brief; a handout that she gave the Commission was primarily to respond to the request for definitions. However, there are a few staff notes and we can elaborate on it in terms of why we chose uses to be by right or special use permit. However, she was referring to the one that had the proposed use on the left and then staff comment/definitions and supplemental regulation where applicable on the right. She said we did that for industrial, commercial, and responded a little bit and provided some definitions you might find helpful and we can build on this for the May 22 meeting.

Mr. Keller said while that is helpful he is sure they will move further along having that to look at in this next week the chart that was part of the staff report that shows the by right list and down the one column and had the special use in the other column with bold text for things that moved. He said if that chart could have the third column that explained the staff's reasoning for that movement would be the one that would be the most helpful to me.

Ms. McCulley said a quick follow up question. She asked if he was interested in the movement either way whether it goes to be more permissive from special use permit to by right or from by right to special use permit.

Mr. Keller replied yes because that is what we have been hearing from the audience including both ways and we want to understand the movement both ways.

Ms. Firehock said we could then agree or disagree.

Ms. Ragsdale said you can look at these but you will get more tables for May 22.

Ms. Firehock said she was supportive of moving it so we have more time to go through this.

Ms. McCulley said Ms. Firehock and any Commissioners we are happy to meet with you one on one or two at a time, whatever is helpful. She said there were three things that we should come back with. One relates to further information about the properties location and size; and options available based on the size in maybe a kind of broad way. Second, remove some of the layers so that the maps are really clear and we are depicting the properties that really are subject to this that are served by private well as opposed to central or public water. Then, finally explain even in broader terms kind of the basis for any change whether more restrictive or more permissive.

Ms. Spain said she was not sure if that covers what she was asking about to remove from the staff report those comparisons. She was looking at Attachment C on the staff report and to remove those sections that are served by public water is what Ms. Ragsdale meant by clarifying the map.

Ms. Ragsdale replied yes, they used the maps and the spreadsheets to get those and that was why she said we could update the maps, too.

Ms. Spain thanked Ms. Ragsdale.

Ms. More said that in a way she wants to address it because there are some concerns in my mind looking at that set of criteria from the Comprehensive Plan that lists as being essential for new uses proposed in the rural area. She said some of those are falling on our list like hotels, motels, department stores, factory outlets and she is not following that but she guess following along another train of thought that you have had is that you are kind of putting all of these uses there and they would all need a special use permit. So rather than picking through a list and saying none of these make sense the special use permit process would weed those out because it makes no sense. However, it seems odd to me to add these uses into these places where it is not essential that they be in the rural area to be successful.

Ms. Ragsdale said that staff can come back with more information on the review criteria but again these are unique properties where there is no specific language in the Comprehensive Plan that applies apples to apples for this situation. Therefore, these are properties that some of the language just may not apply and we can kind of talk to David and Elaine about that some more and elaborate. She said we met with David and Scott a couple of times and she was concerned about how we were including that in the packet so we can provide some more information on that too and frame that a little bit better for you.

Ms. More said essentially what she is hearing is that there is the assertion that these by right uses are being taken away when in fact most of these by right uses would require a special permit with the 400 gallon a day per acre limit. She said all of those uses being put into your category here that would trigger a special use permit if they were all the same. She said what we are asking for is that break out of what is by right truly and what would be a special use permit versus what we have now, which is by right, but essentially all of them need a special use permit if we are basing them on water.

Ms. McCulley pointed out there are hundreds of uses listed.

Ms. More said of the ones you have captured here is there a way to highlight that these are all things that were previously by right would have needed a special use permit anyways and now we are just saying it needs a special use permit.

Mr. Blair asked is your question in essence let's say in Chapter 22 currently with the 400 gallon limitation let's say there are 20 by right uses and 30 special permit uses, is your question really did staff subtract any uses. He said they might have moved uses over to the special use permit category that may be in by right theoretically right now; but is your question were any uses subtracted.

Ms. More asked are we being more restrictive or if it was just another way of looking at you need a special use permit.

Mr. Blair said we did not subtract or delete any uses.

Ms. Ragsdale said that was right and so they are the same uses that are there and we are taking away the special use permit requirement that is based on water consumption. She said we have shuffled the uses around for those not served by water but we have not taken anything away. As she said earlier,

there have been some concerns about the uses that are left but we are not taking anything away we are still just leaving it as a special use permit for those properties. Ms. Ragsdale said she had gotten a little confused about what you are asking and she thought Amelia was asking did you want another list of things that we are certain would be by right and not need the special use permit at all. She said as Amelia said it has been problematic and it has been on a case-by-case basis and we have had trouble making that determination for the by right uses.

Ms. More replied that maybe what she wants is what you have already asked for is looking at both sides of it. However, she just wants to be clear that in my mind, most of these uses will just tell me the special use permit but it will not be subject to this variable that is so hard to understand and correct.

Mr. Blair replied that was correct.

Mr. Keller said that Amelia cut to the chase for the 400 gallons and the thesis of what she believes has to happen. He thinks that in some way we need to cut to the chase and say we know why this is happening and everybody knows they this is happening. He said many of these are not going to be controversial in the future or the majority of them will most likely not be as Mr. Craddock said in his discussion. He said since you have a finite number and a list of acceptable things that can happen by right or that you propose by special use that he thinks that is where the due diligence has to come from staff. However, he cannot imagine how much work that is but thinks that is really, what this body and ultimately the Supervisors even more need to know. He said in effect you need to see if there are potential problems and conflicts in what you are proposing and that means trying to run through theoretically the whole subset of these 80 to 120 properties.

Ms. More asked to add my last comment that would be just the clubs and lodges definition and home and business services. She said if we have more time to look through all of those if there are any that seem vague or have the potential to have a meaning and she just wants to make sure when we are listing all of these that they are what we mean for them to be.

Mr. Keller noted that they do currently have those definitions.

Ms. More said right but that we are comfortable with what all of those are.

Mr. Keller asked could we get to that point without suggesting that as a zoning text amendment with a new definition in the future. He said that is something else.

Ms. Ragsdale said we are moving forward with what we have to work within the existing ordinance so we have not proposed any new terms. She said the only place where staff did add clarification was with the agricultural products because there was a specific Comprehensive Plan language. However, this afternoon when you asked to try to provide all of the definitions that, she could but she might have missed some. She said staff could come back with the piece that you need to continue your discussion on this.

Mr. Keller said the Commission thanks staff for all that work and obviously will digest this information over the next several days.

Mr. Bivins said he had two clarifying questions. He asked in Attachment A is it an appropriate assumption that under undeveloped acres those do not have access to either ground water or public water.

Ms. Ragsdale replied that they have access to ground water with the opportunity to do a well.

Mr. Bivins asked if there is an existing connection today.

Ms. McCulley replied that we do not know about whether there is an existing private well on the property. She said we do know that they are not designated to receive public water.

Mr. Bivins said on the developed acres there is the same difference we know that they have some sort of water there and it could be public or ground water.

Ms. McCulley replied that is right. She pointed out that none of this is about public water because this is only about property that is not served by public water. She pointed out that this is only private well.

Mr. Bivins questioned the hatched areas on the map.

Ms. McCulley said staff could make the maps a little clearer,

Ms. Ragsdale said the maps show properties that are not going to be affected. She said it shows context and adjacent properties that may not be in the data calculations so that is why she said staff wants to clean up the maps for you so you are not getting confused is this one affected or not affected. She said staff wanted to familiarize you with the different designations and on some corridors there are properties that are not served that are right beside properties that have water and sewer service. She said we thought that would be important to give you and that there would be questions about so we were trying to show too much on that one map. She pointed out the summary in the report is only those properties not served.

Mr. Bivins said so that would reconcile what he was reading, and Ms. Ragsdale replied yes and apologized for that.

Mr. Keller said actually in the first part of that an interesting point was raised that builds on what Ms. Firehock was talking about earlier. He said he thought where you were going to go is if there has not been a perk test and if there is no development on that we don't know whether there would be the water generated to be able to do x, a, b or c.

Mr. Bivins said the question is how we validate those. He said his question is if there is no water there then what are some of the criteria that we know whether or not it is a developable piece of property.

Ms. McCulley said we do not have that information.

Ms. Ragsdale said they would hire their engineers to do their studies to look at it and we would have the site plan process.

Mr. Bivins said it should be a much smaller group of properties, and Ms. McCulley replied that it could be and often the property owner does not know if they have not gone as far as trying to drill a well or do geologic testing or something.

Mr. Keller said again going back to your very strong statement about the 400 gallons and then listening to a number of the members of the public that he feels as a property owner the same way about my property rights. From his land use law class in graduate school he thinks the public education process somehow needs to address property rights somehow to let these folks know that some of the rights that they believe that they have they may well not have. He said that of course we have a land use attorney who can speak to those things from that sector but the further that you can get clarity in that discussion as part of this process the less controversy there will be at our next meeting and at the Supervisors final decision-making meeting. He said that is staff's challenge and that the Commission now need to have a motion.

Mr. Blair asked if he could ask just a clarifying question for staff. He said we have talked a lot about the uses that are before you right now understanding the Commission's expertise and asked are there any uses that either by special use or by right that any of you would like staff to consider that are not in the uses currently listed. Mr. Blair said that he just throws that out because it is worth asking just in case there is something on your minds that you think you did not see this use as either a special use or a by right but it might be appropriate for these properties.

Mr. Keller replied that he thinks it is a great question and thinks that we should reflect on that and we should ask the audience to reflect on that and send emails to that effect to Ms. Ragsdale and Ms. McCulley.

Ms. Ragsdale agreed and said she guessed we would need to update the property owners. She said staff did the postcard mailing and we can do that again and we have web site where the public can go to look at all of this information that we have talked about with the different tables and everything. She pointed out staff have the handouts available and extra copies and then staff will work on getting that done as well.

Mr. Keller thanked staff and asked for help with constructing the motion.

Mr. Blair replied that the motion right now would be to continue this public hearing until May 22 at 6 p.m. in this facility.

Mr. Keller said the process would be that we would go through a meeting the way we normally do, we would have this on the agenda and reopen it.

Mr. Blair replied yes, the Commission would reopen the public hearing.

Mr. Keller noted the Commission would receive staff's update and then hold the public hearing and so for those that are interested this is how this process will continue.

Ms. Riley moved to continue this public hearing until May 22 at 6 p.m. in this facility.

Ms. Firehock seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call vote.

The motion passed by a vote of 6:0 (Dotson absent).

Mr. Keller thanked staff and the audience for the thoughtful commentary and that we hope to see everyone back here on May 22 to continue the discussion.

The meeting moved to the next item on the agenda.

Committee Reports

Mr. Keller invited committee reports. Hearing none, the meeting moved to the next item.

Old Business

Mr. Keller invited old business.

Mr. Keller asked if staff would have the home stay comments back to the Commission to review before it went to the Supervisors so we have a chance to weigh in on that.

Mr. Gast-Bray replied that it is the intent and there was another piece of business that we hoped to have back before you which was the acreage request that you had as well. However, we opted not to encumber this meeting with that.

Mr. Keller asked if he remembered the date that the homestay is going to the Supervisors since he wanted to make sure that there is time in case we have anything else that we want to add to that.

Mr. Blair pointed out the Board was going to hold a work session on June 13 and it is not the final ordinance adoption.

Mr. Keller said as long as staff has enough time to have the comments together by June 13 since that is the deadline for us.

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

New Business

Mr. Keller invited new business. Hearing none, the meeting moved to old business.

Item for follow-up.

Mr. Keller invited items for follow-up. Hearing none, the meeting moved to adjournment.

Adjournment

There being no further business, the meeting adjourned at 8:36 p.m. to the next meeting on May 22, 2018 at the COB-McIntire, Auditorium, Second Floor, 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: 3-5-2019
Initials: SLB