FINAL ACTIONS 6:00 P.M. LANE AUDITORIUM Regular Scheduled Planning Commission Meeting of August 7, 2018	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. **Call to Order**. • Meeting called to order at 6:02 p.m. by Chair Keller. • PC members present were Ms. Spain, Chair Keller, Mr Bivins, Vice-Chair Riley and Mr. Dotson. Absent were Ms. Firehock, Ms. More and Mr. Palmer (UVA Rep). • Staff members present were Elaine Echols, Bill Fritz, Chip Boyles, Thomas Jefferson Planning District Commission; Margaret Maliszewski, Heather McMahon, Sharon Taylor and Greg Kamptner.	
2. **Other Matters Not on the Agenda from the Public** • None	Clerk: No action required
3. **Consent Agenda** • None	
4. **Presentation** **Housing Update** Chip Boyles, TJPDC **RECEIVED. No Formal Action taken.**	Staff: Presentation available on TJPDC website. Further updates to be scheduled in future.
5a. **Public Hearing Item.** **SP-2018-00005 Amendment to Malloy Ford Body Shop** MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 045000000068A0 and 045000000068C1 LOCATION: 2060 and 2070 Seminole Trail PROPOSAL: Expand previously approved body shop use on TMP 45-68C1 with new body shop within the existing building on the 2.06-acre parcel 45-68A PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance which allows body shops by special use permit. No dwelling units proposed. ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommendation as noted in the actions.

	to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. AIA Airport Impact Area: Yes COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29. (Heather McMahon) **RECOMMEND APPROVAL,** by a vote of 5:0 (More, Firehock absent), of SP-2018-00005 Amendment to Malloy Ford Body Shop with condition #1 as outlined in the staff report as shown in Attachment 1.	
5b.	**ZTA-2017-00006 Section 33-Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions** The Planning Commission will hold a public hearing to receive comments on its intention to recommend adoption of an ordinance amending Secs. 18-33.1, Purpose and intent, through Sec. 18-33.9, Special exceptions; relevant factors to be considered conditions, of Chapter 18, Zoning, of the Albemarle County Code. Section 18-33 establishes the procedures and requirements for zoning text amendments (ZTAs), zoning map amendments (ZMAs), special use permits (SPs), and special exceptions (SEs). The proposed ordinance would reorganize Section 18-33 by, among other things, splitting existing sections into multiple sections and organizing those sections into divisions based on the type of application or action, and would revise, clarify and standardize the text. The primary proposed substantive changes would: (1) amend the times by which recommendations and actions must be taken on ZTAs and County-initiated ZMAs (County Code §§ 18-33.5, 18-33.6, 18-33.11, and 18-33.12); (2) amend the criteria considered by the Director of Planning to not require certain information with applications for ZMAs and SPs (County Code §§ 18-33.15 and 18-33.32); (3) allow applications for ZMAs, SPs, and SEs to be electronically filed (County	Clerk: The recommended amendment attached to the staff report will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommendation with changes as noted in the actions.

Code §§ 18-33.20, 18-33.34, and 18-33.45); (4) require notice to be given to open-space and conservation easement holders when complete ZMA, SP, or SE applications affecting the property are filed (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (5) establish procedures and consequences when applications for ZMAs, SPs, and SEs are incomplete (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (6) authorize the Director of Planning to require studies to identify impacts of ZMAs, SPs, and SEs (County Code §§ 18-33.21, 18-33.35, and 18-33.46); (7) incorporate the requirements of Virginia Code § 15.2-2303.4 for proffers related to residential and mixed use residential ZMAs; (8) amend the criteria for determining when a community meeting may be required for a ZMA or SP (County Code §§ 18-33.24 and 18-33.37); (9) establish when an application for an SE must be reviewed by the Planning Commission (County Code § 18-33.48); (10) authorize an SE to be revoked for noncompliance with conditions (County Code § 18-33.50); and (11) amend the procedures and requirements to withdraw an application, to suspend application review and defer action, and to take action after deferral (County Code §§ 18-33.52, 18-33.53, and 18-33.54). The proposed ordinance would also: (1) delete the procedure that allowed any member of the public to apply for a ZTA (current County Code § 18-33.2); and (2) delete the State law reference to judicial review of Board of Supervisors' decision on a ZMA or SP (current County Code § 18-33.4(t)). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Elaine Echols)

RECOMMEND APPROVAL, by a vote of 5:0 (More, Firehock absent), of ZTA-2017-00006 with the understanding that the county attorney will clarify the written notice provisions as referenced in

	Attachment 2.	
6a.	**Resolution of Intent Amend Section 35 Fees to correspond with changes to Section 33** Adoption of a resolution of intent to amend the fee schedule for zoning map amendments (ZMA) and special use permits (SP) to include the minimum cost for notification of a public hearing, remove a fee for deferrals, modify circumstances for which a fee reduction for concurrent review of a site plan and ZMA or SP, remove a fee for citizen-initiated zoning text amendments, and others. (Elaine Echols) **APPROVED,** by a vote of 5:0 (More, Firehock absent), that the Planning Commission adopt a resolution of intent, also known as Attachment B, that it be modified to say "now therefore be it resolved that for purposes of public necessity, convenience, general welfare and good practices the Albemarle County Planning Commission hereby adopts . . ." as shown in Attachment 2.	Clerk: This matter will be forwarded to the Board of Supervisors along with ZTA-2017-00006 to be heard on a date to be determined. Staff: Action Letter – Recommendation as noted in the actions. This will not go to the Board, the Board knows and wants the fees to come along with the other Code changes to help implement them and so we are not really recommending to the Board, we are just enabling the staff to do the obvious. .
7.	**Review of Board of Supervisors Meeting –** August 1, 2018. Ms. Echols reviewed the actions taken on above date.	Staff: • No action required.
8.	**Committee Reports** • **None**	
9.	**Old Business** • Southwood Study Session Next Steps - request for written summary of direction given to Habitat.	Staff: • Southwood Follow-Up.
10.	**New Business** • Deferred discussion on Committee Report on By-Law Changes. • Discussion on proffers – Referred to Land Use Law Handbook, Chapter 11 and the analysis of the new proffer legislation on page 11-11. **Mr. Keller announced**: • The next meeting will be on Tuesday, August 14, 2018 in the Auditorium at 6:00 p.m.	Staff: • Schedule Committee Report Discussion.
10.	**Items for follow-up** • **None**	

11.	Adjourn to August 14, 2018 Albemarle County Planning Commission meeting, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. • The meeting adjourned at 8:00 p.m.	

ATTACHMENT 1 - SP-2018-00005 Amendment to Malloy Ford Body Shop – Planning Commission Recommendation
ATTACHMENT 2 – ZTA-2017-00006 Section 33 – Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exception - Planning Commission Recommendation
ATTACHMENT 3 – Resolution of Intent for Section 35 Fees – Planning Commission Recommendation

ATTACHMENT 1 -

SP-2018-00005 Amendment to Malloy Ford Body Shop

Recommended condition of approval**:**

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

ATTACHMENT 2 - ZTA-2017-00006 Section 33 – Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exception - Planning Commission Recommendation

RECOMMEND APPROVAL, by a vote of 5:0 (More, Firehock absent), of ZTA-2017-00006 with the understanding that the county attorney will clarify the written notice provisions.

A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

ATTACHMENT 3 –

Resolution of Intent for Section 35 Fees

RESOLUTION OF INTENT

WHEREAS, Section 35, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for various zoning related applications and approvals under the Zoning Ordinance, and procedures and other requirements related thereto; and

WHEREAS, it is desired to amend Section 35.1 of the Zoning Ordinance in order to delete the fee for a citizen-initiated zoning text amendment; add a flat fee for notice for a single public hearing by the Planning Commission and the Board of Supervisors; add a fee to re-advertise and provide other public notice for additional public hearings; add a fee to reapply for a zoning map amendment or a special use permit that is substantially the same as a withdrawn application, when authorized by the Board of Supervisors; delete the fee to defer an application; and allow fees to be paid by credit or debit card; and

WHEREAS, it is desired to amend Section 35.2 of the Zoning Ordinance to limit the availability of the reduced fee when there is a simultaneous review of an application for a zoning map amendment or a special use permit and a site plan or subdivision plat to only when an application for a special use permit for outdoor display and sales is reviewed simultaneously with a site plan; and

WHEREAS, it is desired to amend Section 35.3 of the Zoning Ordinance in order to allow paid fees to be refunded if an application is withdrawn within 70 days after the date the application is officially submitted.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 35.1 of the Zoning Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

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