Albemarle County Planning Commission
September 4, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, September 4, 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; Pam Riley, Vice Chair; Julian Bivins, Daphne Spain; Karen Firehock, Bruce Dotson, Jennie More and Luis Carrazana, UVA representative. Ms. Firehock arrived at 6:02 p.m.

Other officials present were David Hannah, Natural Resource Manager; Andrew Knuppel, Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Bob Crickenberger, Director of Parks; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Andy Herrick, Assistant County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:02 p.m. and established a quorum.

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

Mr. Keller invited comment from the public on other matters not listed on tonight's agenda including the consent agenda. Hearing none, Mr. Keller said the meeting would move on to the next item.

Consent Agenda

Resolution of Intent – Biodiversity Action Plan
(David Hannah)

Mr. Keller asked if any Commissioner would like to pull the consent agenda item.

Mr. Bivins asked if we need to change how the resolution is named because the resolution says resolution of intent.

Mr. Herrick replied that the wording and title of the resolution are fine if they meet the Commission's satisfaction.

Mr. Keller asked for a motion.

Ms. More moved, Mr. Bivins seconded to approve the consent agenda.

The consent agenda was approved by a vote of 6:0 (Firehock absent).

RESOLUTION OF INTENT

WHEREAS, Albemarle County has a significant history of valuing the protection of natural resources and biological diversity; and

WHEREAS, the County's long commitment to valuing natural resources and biological diversity included the adoption of a Natural Resources and Cultural Assets Chapter in its 1999 Comprehensive Plan and the establishment of a temporary Biodiversity Work Group that developed a report and assessment of biodiversity in the County in 2004; and

WHEREAS, the Albemarle County Board of Supervisors established the Natural Heritage Committee in 2005 to advise the Board of Supervisors, Planning Commission, and County staff on applying biodiversity information to land use decision-making and supporting biodiversity education; and

WHEREAS, the County's 2015 Comprehensive Plan, Chapter 4 (Natural Resources), Strategy 4a proposes that the County develop an Action Plan for Biodiversity to protect significant areas of biological importance in the County for presentation to the Board of Supervisors for adoption into the Comprehensive Plan; and

WHEREAS, County staff, working in consultation with and under the advisement of the Natural Heritage Committee presented a Biodiversity Action Plan to the Board of Supervisors at its July 5, 2018 meeting; and

WHEREAS, the Board of Supervisors endorsed the Biodiversity Action Plan and directed County staff to work with the Planning Commission to amend the 2015 Comprehensive Plan to incorporate key elements of the Biodiversity Action Plan;

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land use planning practices, the Albemarle County Planning Commission hereby adopts a resolution to consider amending the 2015 Comprehensive Plan to incorporate key elements of the Biodiversity Action Plan; and

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

The meeting moved to the next item.

Ms. Firehock arrived at 6:02 p.m.

Public Hearing

PROJECT: SP-2018-00010 Art Studio (Painting) (Andrew Knuppel)
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL: 09000000000100
LOCATION: 790 Old Lynchburg Road, Charlottesville, VA 22903
PROPOSAL: Home Occupation to allow an art studio in an existing accessory structure instead of inside the home. Outside visitors are expected on a limited basis with no greater than 3 open studio events per year.
PETITION: Home occupation, Class B per Section 13.2.2(9) (reference 5.2) of the Zoning Ordinance.
ZONING: R-1 Residential - 1 unit/acre
ENTRANCE CORRIDOR (EC): Yes.
OVERLAY DISTRICT(S): Flood Hazard Overlay District

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial, and Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 5 in the Southern Urban Neighborhood. (Andrew Knuppel)

Andrew Knuppel presented a PowerPoint presentation to summarize the staff report.

This is a request for a special use permit for a Class B Home Occupation within an accessory structure in a residential zoning district. For some context since it does not appear there has been a request of this type in almost eight years the Board approved a zoning text amendment in early 2011 allowing the use of accessory structures for home occupations by right in the rural areas zoning district; however, a special use permit is still required for accessory structures in a residential zoning district, which is why you are seeing this application tonight.

The site in question is an 18.65 acre parcel zoned R-1, Residential with frontage on Old Lynchburg Road, containing the residue of the Tudor Grove Estate. It is surrounded by the Mosby Mountain development across the street from the Southwood Mobile Home Park and the future Biscuit Run Park. The bulk of the property was added to the development area in 2015 although it has been zoned R1 since 1980 with the comprehensive rezoning and despite being surrounded by development it is still fairly rural in nature and has wooded frontage on a rural section of Old Lynchburg Road. The main house is in the center with a circular rail fence along it and the driveway to the studio or the accessory structure run along the north property line.

The proposal is for an art studio within an accessory structure as the applicant is a painter and occasional visitors are anticipated by invitation only to discuss the proposed art work or pick up a piece that they have purchased. The expected volume would be well below what would be allowed in a by-right Class A, Home Occupation. There would be about one visitor every two weeks and maybe as many as three on a rare busy week. With this additionally the applicant requests permission to host infrequent open studio events up to three per year at a four- month interval although it will likely only be one per year near the holiday season. Staff expects that the character of this event will be consistent with an Artisan Trail or a seasonal art show event or even an open house or other kind of gathering at a private residence. Such an event will be held on one or two days and there would be no outdoor amplified sound. The applicant on their application mentioned that the hours anticipated would be no earlier than 12 p.m. and no later than 8 p.m.

While a formal community meeting was not held for the application, staff did provide an opportunity to ask questions and get information at the 5th and Avon Street CAC meeting in July. During the meeting and during review of the application staff heard a couple concerns from abutting property owners about visual impacts and traffic from the driveway usage. The Commission has received some of their comments over the past week in an email format. A few photos show the general character of the driveway and if you look at the map the arrow shows the direction the photo is facing. This is near the front where you turn off from the main house and you see the fence and the house kind of landscaped there on the left and a wooded buffer on the right. This is facing towards the house at 1659 Hubert Court. Again, if you move a little further along on the road you might be able to see back in

the photos a little bit of the house back in there at 1659. Again, moving further down the driveway you start to see a clearing on the left and the same wood buffer on the right. Next is the parking area near the studio facing towards 1671 and you can't really see the house in there, but it provides context of the entirety of the driveway. Despite this the applicant has been working with abutting property owners to have discussions with them in how to move forward with this. Staff believes that potential conditions of approval could mitigate some of the impacts and due to the infrequency of the open studio events we don't anticipate significant impacts arising from headlights or such, their limitation of the hours and the conditions.

Staff recommends approval of this request with the conditions as listed below.

1. The home occupation shall be conducted entirely within the studio structure.
2. No outdoor amplified sound shall be permitted in accordance with the home occupation.
3. Visitors shall be permitted by invitation only. The traffic generated by the home occupation shall not exceed more than seven (7) vehicle round trips per week, with the exception of open studio events.
4. Visitors may be permitted up to six (6) days per week between the hours of 7:00 a.m. and 8:00 p.m.
5. No more than three (3) open studio events shall be allowed per calendar year. An open studio event may be held between 10:00 a.m. and 8:00 p.m. on a single day.
6. The traffic generated by an open studio event shall not exceed more than thirty-five (35) vehicle round trips per event. Vehicles shall not be parked along the driveway to the studio shown in the Concept Plan in Attachment C of the staff report.

Mr. Knuppel noted that condition 2 reiterates that no outdoor amplified sound is proposed. He said that condition 3 mirrors the current administrative policy for a by right Class A Home Occupation for regular traffic no more than 7 trips per week and we don't expect that the applicant will come close to this with the exception of open studio events. He said that visitors are permitted up to 6 days per week from 7:00 a.m. to 8:00 p.m. and this is in line with the current regulations for a rural home occupation and that currently is not a requirement in the Code, so we are adding this in there for consistency. Condition 5 the open studio events no more than 3 per year and we are counting each day separately so if the applicant were to participate in a studio tour – the Artesian Studio Tour is what we looked at and if they were going to do Saturday and Sunday they would count as two of the events so there are three allotted per year to be held between 10:00 a.m. and 8:00 p.m. on a single day. The applicant requested 12 p.m. to 8:00 p.m. but we changed it slightly to accommodate participation in one of the studio tours and the hours we saw were 10 a.m. to 5 p.m. so it is to provide flexibility. We don't anticipate that it would run for ten hours. Finally, we did put a cap on the vehicle round trips per event at 35. We felt that this would be spread over 7 hours and would not expect all people to come out at once and felt comfortable recommending this. We also added a condition that vehicles would not be parked along the driveway of the studio again to help mitigate some of the visibility impacts on the neighbors. Mr. Knuppel said the motions are on the slide and he would be happy to answer questions.

Mr. Keller invited questions for the applicant.

Ms. Firehock asked how staff arrived at the 35 vehicle trips per day.

Mr. Knuppel replied that we looked at a couple of comparable uses and just kind of

eyeballed what we felt would be a comfortable recommendation for us. He said we looked at the major home occupations in the rural area zoning district and they allow 10 per day or 30 per week, but there is a determination that open houses are allowed with this. He said we felt that it was lower and also looked at what we currently allow for an agricultural operation under 21 acres with a zoning clearance we allow up to 50 trips per day with that so we picked a middle point in there and again we don't have the enforcement capabilities to have someone out there counting cars so we operate on a complaint driven basis and we fell that this provides a reasonable number given the size of the parking area and the expected length of time that each person would be there to accommodate this.

Ms. Firehock said to follow up you obviously looked at the current studio tour that goes on in the county once a year and she had gone on that but was curious if you have data from them and is that a reasonable amount that only 35 teams or groups would visit a studio.

Mr. Knuppel replied that we do not have data on the attendance for such an event, but we did speak with the applicant about what she would expect for one of her own open studio events separated from that. He said there is another question in there about how we are accommodating a studio tour and we want to make sure the hours are consistent with them.

Mr. Bivins said if staff is suggesting that there be a limit on the number of vehicles which are able to park in that location as shown on the slide.

Mr. Knuppel replied that it looks like there are about four vehicles in there and there is also a field next to it as well. He said the main limitation of parking was to avoid this driveway area for vehicles parked directly along there in sight of the other houses.

Mr. Bivins asked if there would not be a prohibition to parking on the field to the left of the structure, and Mr. Knuppel replied no and that there was also additional parking area by the main house as well.

Mr. Dotson said he was curious about that parking area you said that it is sized to accommodate about four vehicles so the artist and invited but up to 35 that would not be there at the same time and they would park on grass perhaps to the south or the bottom of the driveway.

Mr. Knuppel replied yes, potentially along the grass area or by the main house and walk up from there.

Mr. Dotson said that is an existing parking lot, and Mr. Knuppel replied yes.

There being no further questions, Mr. Keller opened the public hearing and invited the applicant to come forward and speak.

Ms. Abby Kasonik, 790 Old Lynchburg Road, said she had been a professional artist in Charlottesville for about 15 years and my studio is generally very quiet. Ms. Kasonik said as Andrew said she had had a week where there were 3 people there but that has only happened once in maybe 5 years and am applying for 3 open studios during the year but have only ever had one in the last 10 or 15 years. She said that now she was represented by Laseo Demon Gallery and have exhibitions scheduled with them and on years when she

has public exhibitions she does not plan to have a studio event at all. She said that most of the time that her neighbors would not notice me, and she hopes that she is a nice neighbor and the studio events are planned to be relatively infrequent and would be happy to answer questions.

Mr. Keller invited questions for the applicant.

Mr. Dotson said that he has not seen your studio and asked is there a patio or a seating area outside.

Ms. Kasonik replied that the thing you can't see in this picture is there is a back door on the far side with a little patio area but most of the time people coming into the studio they are inside unless they are walking from their car.

Mr. Dotson asked do you intend to do any teaching, and Ms. Kasonik replied no.

Mr. Dotson said the first condition says shall be conducted entirely within the studio structure and the question to the staff is he has looked at your website and you do lovely landscape and other paintings, and might you ever want to be outside and painting. He asked how do we interpret entirely within.

Mr. Kasonik replied yes that she walks around the yard sometimes with a sketch pad, but the visitors to the studio no.

Mr. Dotson said the question then is to staff in terms of that first condition conducted entirely within.

Mr. Knuppel said that he would refer to the County Attorney on the specifics of that, but the intent of this was that all events and visitors would be within the studio or not be in outside attendance.

Mr. Herrick noted that he thinks the language of the condition is meant to mimic the standards that is provided in the County Code – the County Code speaks to home occupations as being conducted entirely within either the dwelling or in this case entirely within the dwelling or the accessory structure. He said the condition is again just repeating the same standard that exists in the County Code.

Mr. Dotson said that it would not prohibit the artist from painting in her own yard.

Ms. More said there was one picture of the driveway and it sounds like you may not even have the events three times a year but just wondered is the traffic pretty staggered because she just wondered about a car meeting another car leaving.

Ms. Kasonik replied that was one thing that we did talk about going in on this road and then looping in through our driveway and going the driveway closer to the house and going out so that people did not meet each other. She said it is a one-way road for the majority of it but near the house we could potentially make a loop so they did not go in our neighbor's yards. She noted that is one thing we talked about with our neighbors.

Ms. Spain said she just wondered if you have decided whether you will be part of that Artisan's Trail weekend because this might make you eligible.

Ms. Kasonik replied that it does not really appeal to me.

Mr. Keller invited public and applicant comment. Hearing none, he closed the public hearing to bring it back for discussion and action.

Mr. Dotson asked does a special use permit run with the land or with the applicant and if this applicant were to move to a larger studio at some point in the future and sold the property would the new artist require an additional special use permit or does this say forever more that can be an artist studio.

Mr. Herrick replied that the special use permit runs with the land.

Ms. Riley said a follow-up question on that is that it runs with the land but then these conditions would all apply and the use would need to be restricted to an art studio.

Mr. Herrick replied yes that is correct so that is why we suggested that any sort of special use permit conditions be crafted with such care because they apply not only to the current owner, but they would apply to future owners as well so that if a subsequent owner were also an artist these same conditions would apply to that individual as well.

Mr. Keller said he sent a question this morning to Andrew, Amelia McCulley and Greg Kamptner asking about whether this is a topic and he does not want to get into it now because we can do it under new business. He said the question is whether this is something when we are looking at ZTA's that could be handled administratively it seems to me that there is kind an implied performance standard that you have been working from and if we are trying to think about where we need to have the meeting focuses and where we don't it seems to me that what we see here is an example of something that might be handled internally. He said under new business he would ask that question and see what the director has to say on it. He asked if there was a motion.

Ms. Firehock moved to recommend approval of SP-2018-00010 Art Studio (Painting) with the conditions outlined in the staff report.

Ms. More seconded the motion.

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

The motion passed by a vote of 7:0.

Mr. Keller said the request would be forwarded to the Board of Supervisors with the Planning Commission's recommendation for approval on a date to be determined.

The meeting moved to the next item.

Presentation

Biscuit Run Update
(Bob Crickenberger)

Bob Crickenberger, Director of Albemarle County Parks and Recreation, and David Anhold,

consultantant with Anhold Associates, presented a PowerPoint presentation on the Biscuit Run Park Master Plan update to share the results of the online feedback from the community and the information moving forward as to where we are currently in the process.

Mr. Crickenburger said this plan is purely conceptual and it has not been determined what the park amenities area will be - there is one more community engagement meeting and possibility a fourth and, in the timeline, hope to have it completed and ready for approval this December. He introduced the project and the master planning process noting the property's character is touched with cultural resources and is amazing what the property has. He introduced David Anhold with Anhold Associates who is on our design team.

David Anhold, landscape architect with Anhold Associates, reviewed the project quickly and offered to answer questions. He said that the county entered into a 99-year least with DCR Biscuit Run State Park Master Plan with conditions with the lease memorandum of agreement. (See PowerPoint presentation.)

Ms. Spain asked how the Southwood residents were involved and Mr. Crickenberger replied that he was not sure since they hired a group to do that.

The Planning Commission held a discussion with staff and provided feedback on the following:

- Consider phasing and cost estimates or cost perimeters during conceptual review.
- Why riding trails.
- Suggested higher than sports fields.
- Suggested reaching out to the Southwood residents – provide recreational area such as soccer fields, multi-use – suggested providing access off I-64 and Old Lynchburg Road for easy access.
- Conceptual Park Design – starting point – long way to go on this we thought based on land form, plant communities and looking at natural heritage inventory, history of park (cultural) design makes sense.
- System of trails – stay out of forests, most steep slopes and flood plain.
- Question about last steps. Last item said begin rezoning what does that mean - It is to bring back for rezoning to making zoning consistent with proposed use.
- Conceptual design plan review and discussion and schematic master plan preparation.
- design – conceptual what extent the county thought about the natural area park permeable pavement use and water recycling roof runoff to use water for landscape – use park use as teaching tool.
- Consider regional approach.

Mr. Keller invited public comment. Hearing none, he thanked Mr. Crickenberger and Mr. Anhold for the presentation.

Community Report

Mr. Keller invited committee reports.

Bruce Dotson reported:
- Places29/Rio CAC met and discussed items on the watch list.

Karen Firehock reported:
- Historic Preservation Committee met last Monday and discussed options for better protecting historic structures in the county.
- Regents School had a community meeting last Thursday and the main concern expressed by residents was the volume and timing of traffic and safety.

Daphne Spain reported:
- Pantops CAC met last Monday. Staff took comments from the public on the last stages of the Pantops Master Plan, which comes before the Commission in October.

Julian Bivins reported:
- Along with Supervisor McKeel, met with a subgroup of Executive Committee and Planners of Southwood last week to hear the excitement of what possibly could be in those two quadrants and suggested others do so.

With no further committee reports, the meeting moved to the next item.

Old Business.

Mr. Keller invited old business.

Discussion on the resolution of intent.

Discussion held on resolution of intent process and revised Rules of Procedure.

Mr. Keller said the Commission has talked about the resolution of intent process and he was thinking about what Mr. Bivins was talking about by beginning during the consent agenda and having a resolution of intent where we have talked about changing that. He said we had approved that and so in theory this document should have had the new terminology.

Mr. Herrick replied that a resolution of intent is a type of a resolution so it is a rose by any other name and he is not too hung up on the title of this document because it is legally sufficient to initiate a rezoning which is really what we are concerned about. He said that as long as it is legally sufficient to initiate a rezoning it is sufficient.

Mr. Keller said we were just wondering whether based on the discussions we have had whether indeed we are going to see this change or not from this point on. He said so that may be staff getting together and coming back with a proposal about that because some of us were surprised to see this terminology still there after this change that we had agreed to.

Mr. Herrick said that he thinks that this particular document predated my involvement and he was not involved in the drafting of this and he was not sure what my role will be in drafting future resolutions but again he thinks this is sufficient for our purposes today and in terms of future resolutions he was sure that is something that staff can address.

Mr. Keller thanked Andy and asked Andrew to comment.

Mr. Gast-Bray said not having been present for the discussion that you had in terms of what you were hoping to achieve in just going by what has been written, which is fine, this would meet a resolution of intent or a resolution in which you want a tracking of that and I will do that after this meeting to make sure that I complete that. However, he wanted to point out with a

resolution of intent for any resolution of this nature where it is a kickoff the conclusion is not a determined timeline or the return of any conclusion; it is not determined in time so that may take some more time - but certainly the action that you described in that paragraph is something that is now my task to undertake now that you have made a resolution of intent and I will do something.

Mr. Keller thanked Mr. Gast-Bray and said that the committee members are present that he did not have an opportunity to meet with that would be willing to follow-up.

Mr. Dotson said he would just comment, and he did not have the text for item 6 that we approved; but, he finds this consistent with it. He said the issue is if we are sending a resolution of intent to the Board of Supervisors and it says to the Board of Supervisors then the time clock kicks in and it is referred to the Board and the Clerk, etc. He said in this instance the legal staff has clarified for us that it is not just the Board of Supervisors who can initiate a planning action, rezoning or zoning text amendment but the Commission can and I had raised a question whether we should kick all things to the Board or whether we should exercise our authority to initiate things ourselves and the ponderous of opinions and the staff actually persuaded me, Bill Fritz in particular, that was useful when we already knew that Board agreed to just go ahead and initiate it ourselves. Mr. Dotson said I went back to the Board's hearing on the Biodiversity Action Plan and the Board said they support it and wanted us to do a resolution of intent and so we are doing it and it does not go any further than to the staff.

Mr. Keller thanked Mr. Dotson since that is a great clarification of what we have been talking about.

The meeting moved to the next item.

New Business.

Mr. Keller invited new business and invited the new commissioner or UVA representation to introduce himself.

Luis Carrazana, UVA Representative from the Office of the Architect, said he had been at UVA for over 12 years, had a background in architecture and hoped in the future to be able to contribute.

Mr. Keller announced:

- Welcomed new UVA representative, Luis Carrazana.
- Suggestion to put UVA update on calendar.
- Suggestion for template format setup for quarterly meetings by Mr. Gast-Bray.
- No Planning Commission meeting on Tuesday, September 11 or September 18, 2018.
- The next meeting will be on Tuesday, September 25, 2018 in Auditorium at 6:00 p.m.

Items 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 7:50 p.m. to the Planning Commission meeting on Tuesday, September 25, 2018 at 6:00 p.m. in the COB-McIntire, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 3.19.19
Initials: SLB