FINAL ACTIONS Planning Commission Meeting of February 23, 2016	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. Call to Order. • Meeting was called to order at 6:00 p.m. by Tim Keller, Chair. • PC members present were Mr. Dotson, Ms. Firehock; Vice Chair; Mr. Keller, Chair; Mr. Lafferty Ms. More, Ms. Riley and Ms. Spain. Mr. Bill Palmer was present. • Staff present was Rachael Falkenstein, Mandy Burbage, Megan Yaniglos, Bill Fritz, Amelia McCulley, David Benish, Elaine Echols, Sharon Taylor and Greg Kamptner.	
2. **Other Matters Not on the Agenda from the Public** • None	Clerk: No action required
3. **Review of Board of Supervisors Meeting** – February 10, 2016 Mr. Benish reviewed the actions taken at the meeting noted above.	Clerk: No action required
4a. **Consent Agenda** a. **Approval of Minutes**: September 15, 2015, September 22, 2015 and December 15, 2015 b. **ZTA-2016-00001 Eligible Applicants** – Expand Resolution of Intent **APPROVED CONSENT AGENDA** for items a. and b. (Resolution of Intent for item b. shown in **Attachment 1)**	Clerk: • Finalize minutes for signature – 9-15-15, 9-22-15 and 12-15-15 • Schedule public hearing for ZTA-2016-1 Eligible Applicants.
5a. **Public Hearing Items** **ZMA-2015-00009 Spring Hill Village – Proffer Amendment** MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 09000000002800 LOCATION: 1776 Scottsville Road, Charlottesville PROPOSAL: Reduce cash proffer amount from ZMA201300017 PETITION: Request to amend proffers on property zoned NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses; Entrance Corridor Overlay PROFFERS: Yes COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service	Clerk: • Action Letter – Recommend denial of ZMA-2015-09 as noted in the action for the reasons outlined in **Attachment 2.** • The matter will go before the Board of Supervisors on a date to be determined.

	and office uses, places of worship, schools, public and institutional uses (Rachel Falkenstein) **RECOMMEND DENIAL OF ZMA-2015-9,** by a vote of 7:0, for the reasons outlined in **Attachment 2.** (See Minutes for details)	
5b.	**<u>ZTA-2016-1 Eligible Applicants</u>** The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-33.4, Uniform procedures for owner-initiated zoning map amendments and special use permits, 18-33.5, Uniform procedures for special exceptions, and 18-34.4, Variances, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Secs. 18-33.4, 18-33.5, and 18-34.4 to allow holders of an easement to file an applications for a special use permit, special exception, or variance if it pertains to a use allowed by the deed of easement or equivalent instrument, enable the director of planning or the zoning administrator, as applicable, to require an applicant to provide necessary documentation to determine eligibility to apply, require when an easement holder is the applicant that notice be provided to the lot owner within 10 days after the application is deemed complete, and allow easement holders to file an application for a special use permit or variance even though the lot owner owes delinquent taxes, fees, or charges to the county. 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. (Mandy Burbage) **RECOMMEND APPROVAL OF ZTA-2016-1**, by a vote of 7:0 as recommended by staff, as presented by staff in Attachment A of the staff report with one grammatical correction on page 12, if the Board of Supervisors is satisfied that the county is appropriate in the role of interpreting private easement terms, there is a clear understanding of what happens if a property owner objects, and the Board is satisfied that the process for notifying an owner as provided in the ordinance is acceptable. (See Attachment 3 and minutes for details)	<u>Staff:</u> • Recommend adoption of the proposed ordinance as noted in the actions. • This matter will be go before the Board of Supervisors on a date to be determined.
	The Planning Commission recessed at 7:27 p.m. and the meeting	

	reconvened at 7:33 pm.	
6a.	**Work Session** **<u>ZMA-2015-00008 Adelaide</u>** MAGISTERIAL DISTRICT: White Hall TAX MAP/PARCEL: 056000000108A0; 056000000026A2 LOCATION: 5444 Brownsville Road and Rockfish Turnpike (Route 250) PROPOSAL: Request to rezone parcels from R1-Residential to R6-Residential for a maximum of 93 residential units. PETITION: Rezone 19.975 acres from R1-Residential zoning district which allows residential uses at a density of 1 unit per acre to R6-Residential zoning district which allows residential uses at a density of 6 units per acre. OVERLAY DISTRICT: EC- Entrance Corridor; Scenic By-Way; Managed and Preserved Steep Slopes PROFFERS: Yes COMPREHENSIVE PLAN: Greenspace; Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Crozet Masterplan. (Megan Yaniglos) In a work session the Commission received staff's presentation, took applicant and public comment, and provided comments and direction as shown in **Attachment 4.** No formal action was taken. (See minutes for details)	<u>Staff:</u> • **Actions** – Forward Planning Commission recommendations to the applicant for use on future submittals as noted in the actions. • Staff to work with applicant to address concerns and issues expressed prior to applicants submittal for future public hearing.
7.	**Old Business** • Committee Reports The following committee reports were given: Ms. Firehock deferred the report on the Southern Albemarle CAC to Ms. Riley. Ms. Riley reported the following: - The Southern and Western CAC met and elected officers, decided to meet together, and will meet next month. - Historic Preservation Meeting met yesterday to discuss Cool Springs/Dawson Farm and compiling a list of properties that at any point in time served as a tavern. Ms. Spain reported the following: - Places29 North Committee meeting cancelled due to snow and will meet in	<u>Secretary:</u> • None

	March. - Pantops Community Advisory Committee met last night and discussed public safety station to be built on Pantops; update from Diane Berlin on pedestrian bridge across 250 with invitation to work session on March 19 at Broadus Church. - Mr. Lafferty reported Places29 Hydraulic Road Committee met and discussed budget projections, expenses and ongoing projects such as sidewalks along Garth Road Extended. - Ms. Firehock asked for input from all Commissioners for topics to schedule for future in depth discussions. - Mr. Dotson reported Places29 Rio CAC met and elected officers. The next meeting will be a joint session with all three Places29 committees. - Mr. Dotson reported on ACE funding. - Ms. More reported the CCAC met and discussed elections in March; Adelaide; the Restore N' Station and received presentation by Gerald Gatobu on list of road improvement priorities for transportation. Mr. Keller noted the following: - He had been asked to be on a broadband working group. - Dates to be scheduled for the Economic Developer, Faith McClintic to come and speak.	
8.	**New Business** • Planning Academy scheduled March 8th from 1 to 3 pm at County Office Building-McIntire Rd. - Since more than 3 Commissioners in attendance need to adjourn to this meeting. • Mr. Kamptner provided update on the Proffer Bill in the General Assembly. • No Planning Commission meeting on Tuesday, March 1, 2016. • The next Planning Commission meeting will be held on Tuesday, March 8, 2016 at 6:00 p.m.	<u>Secretary:</u> • None
7.	Adjourn to Planning Academy on Tuesday, March 8, 2016, at 1:00 p.m., at County Office Building, Second Floor, Room 241, County Office Building, 401 McIntire Road, Charlottesville, Virginia.	

• The meeting was adjourned at 9:46 p.m.	

Attachment 1 – Consent Agenda Item: ZTA-2016-1 Eligible Applicants Expansion of Resolution Of Intent (ROI) – Planning Commission Adoption
Attachment 2 – ZMA-2015-9 Springhill Village Proffer Amendment - Planning Commission Recommendation
Attachment 3 - ZTA-2016-1 Eligible Applicants - Planning Commission Recommendation
Attachment 4 – ZMA--2015-8 Adelaide Work Session - Planning Commission Recommendation

ATTACHMENT 1

Consent Agenda Item b. – Expansion of ROI for ZTA-2016-1 Eligible Applicants

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for special use permits, special exceptions, and variances (collectively, the "approvals"); and

WHEREAS, Albemarle County Code §§ 18-33.4, 18-33.5, and 18-34.4 authorize the owner of the fee simple interest of the lot to which an application pertains, as well as certain representatives of the owner with the owner's authorization, and, for variance applications, certain other persons, to apply for approvals; and

WHEREAS, it became apparent that the range of permissible applicants may be too restrictive in those circumstances when the prospective applicant is an easement holder seeking an approval of a special use permit for a use allowed by the deed of easement and, on January 6, 2016, the Albemarle County Board of Supervisors adopted a resolution of intent to consider amending the Zoning Ordinance to allow easement holders to apply for a special use permit when the approval they seek is for a use allowed by the deed of easement; and

WHEREAS, further study of the issue has revealed that the easement holders may also need to seek special exceptions or variances which, if approved, would waive, modify, or vary certain requirements such as setbacks or height limitations associated with a use; and

WHEREAS, it may be desirable to amend the procedures and requirements for special exceptions and variances to allow easement holders to apply for a special exception or a variance when the approval they seek is related to a use allowed by the deed of easement; and

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 consider amending Albemarle County Code §§ 18-33.5, 18-34.4, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT this resolution of intent is in addition to, and does not supersede, the resolution of intent adopted by the Albemarle County Board of Supervisors on January 6, 2016 referred to above; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent and the Board of Supervisors' January 6, 2016 resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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ATTACHMENT 2

ZMA-2015-9 Springhill Village – Proffer Amendment
Planning Commission Recommendation

By a vote of 7:0, the Planning Commission recommends denial of ZMA-2015-09 Spring Hill Village Proffer Amendment for the following reasons:

1. Some reduction in cash proffer amounts may be in order based on looking at the school enrollments and capacities; but, the Commission at this point does not know what the reduced amount would be.
2. The recommendation of the Fiscal Impact Advisory Committee (FIAC) of this reduced amount has not yet been fully analyzed by the Planning Commission or the Board of Supervisors; and, the additional information is still needed that was requested a number of weeks ago.
3. A full analysis should be conducted of the actual costs to the county of going forward with this development, and
4. The Board of Supervisors should set a new proffer policy, not use this project to set a precedent, and possibly consider repealing the current cash proffer policy while that is undertaken.

ATTACHMENT 3

ZTA-2016-1 Eligible Applicants - Planning Commission Recommendation

RECOMMEND APPROVAL OF ZTA-2016-1, by a vote of 7:0 as recommended by staff, as presented by staff in Attachment A of the staff report with one grammatical correction on page 12, if the Board of Supervisors is satisfied that the county is appropriate in the role of interpreting private easement terms, there is a clear understanding of what happens if a property owner objects, and the Board is satisfied that the process for notifying an owner as provided in the ordinance is acceptable. (See Attachment 3 and minutes for details)

Attachment 4

ZMA--2015-8 Adelaide Work Session - Planning Commission Recommendation

In a work session on ZMA-2015-8 Adelaide the Planning Commission held a conversation with staff, the applicant and members of the public and provided the following feedback on the questions posed by staff, as follows:

1. **What land area should be used to calculate potential density?**
   - *Staff believes that the recently mapped environmental features should be used in lieu of those areas shown on the Master Plan in order to calculate density.*

   PLANNING COMMISSION: Consensus was that the applicant should use a combination of the updated environmental features shown on the County GIS and the designated greenspace, including the Route 250 buffer, shown in the Master Plan for the calculation of density.

2. **Does the location of the parcels near the boundary of the Crozet Development Area mandate that the low end of the density range be pursued?**
   - *Staff believes if the impacts of the development, compatibility of building type, and the Neighborhood Model principles are appropriately addressed, staff would support development at the higher end of the density range. Approval of development at the higher end of the density range could also help provide balance with nearby by-right development that is occurring well below the recommended density range in the Master Plan.*

   PLANNING COMMISSION: General consensus (5:2) (More, Lafferty supported using the lower end of the density) was that the design, form, open space, impacts, and mix of units (including single family detached) are more important than the density, and that higher end of the range in this location could be supported if the design is well done. A consensus was not given for a certain number within the recommended range.

3. **Should the proposed development consist of mainly single family residential units and if so, what percentage?**
   - *Staff believes that the proposal should contain a minimum of 50% single-family detached units to conform with the recommendations in the Master Plan.*

   PLANNING COMMISSION: General consensus was that the single family detached units should be provided. The commission did not come to a consensus on the percentage of single family detached, but stressed that the mixture of types of units is important.

No formal action was taken.

(See minutes for additional details)