

FINAL ACTIONS
Planning Commission Meeting of March 15, 2016
Meeting Room #241

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • 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; Ms. Riley and Ms. Spain. Mr. Lafferty and Ms. More were absent. Mr. Palmer, UVA representative was absent. • Staff present was Elaine Echols, Faith McClintic David Benish, Sharon Taylor and Greg Kamptner. 	
<p>2. <u>Other Matters Not on the Agenda from the Public</u></p> <ul style="list-style-type: none"> • Neil Williamson, Free Enterprise Forum, proposed a resolution of intent to repeal Albemarle's current cash proffer system. 	<p><u>Clerk:</u> No action required</p>
<p>3. Review of Board of Supervisors Meeting – March 9, 2016</p> <p>Mr. Benish reviewed the actions taken at the meeting noted above.</p>	<p><u>Clerk:</u> No action required</p>
<p>4. Consent Agenda</p> <p>a. Approval of Minutes – January 26, 2016</p> <p>APPROVED CONSENT AGENDA by a vote of 5:0. (More, Lafferty absent)</p>	<p><u>Clerk:</u> Finalize Minutes for signature – 1-26-2016</p>
<p>5a. <u>Public Hearing:</u></p> <p><u>ZMA-2012-00007 5th Street Commercial (Sign # 98 & 99)</u> PROPOSAL: Request to amend proffers and application plan of ZMA199900013 for 4.35 acres on property zoned HC – Highway Commercial, which allows commercial and service; residential by special use permit (15 units/ acre) and property zoned LI Light Industrial, which allows – industrial, office, and limited commercial uses (no residential use). No zoning district change and no dwellings proposed.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Deferred ZMA-2012-07 as noted in the actions for the reasons outlined in Attachment 1. • Staff to schedule public hearing for June 21, 2016.

<p>ENTRANCE CORRIDOR: Yes AIRPORT IMPACT AREA: Yes FLOOD HAZARD OVERLAY: Yes PROFFERS: Yes COMPREHENSIVE PLAN: Regional Mixed Use (regional serving retail, service and office uses, non-industrial employment centers and residential up to 6.01 – 34 units per acre) 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 Southern Urban Neighborhood (N5). LOCATION: The east side of 5th Street Extended just north of its intersection with Interstate 64. TAX MAP/PARCELS: 0.875 acre portion of 07600-00-00-055A0, 3.041 acre portion of 076M1-00-00-00100, and all of 07600-00-00-055C0 MAGISTERIAL DISTRICT: Scottsville (Elaine Echols)</p> <p>DEFERRED ZMA-2012-7, as requested by the applicant, by a vote of 5:0, (More, Lafferty absent) to June 21, 2016 in order to allow the applicant and staff to address the issues identified in Attachment F of the staff report and in line with the comments received from the Planning Commission. The Commission agreed with all of the issues raised by staff with the possible exception of relegated parking and other comments as shown in Attachment 1. (See Minutes for Details)</p>	
<p>5b. <u>SP-2013-00027 Drive through Window</u> <i>THIS APPLICATION IS NO LONGER NEEDED DUE TO THE BOARD OF SUPERVISORS' ACTION ON MARCH 2, 2016, ZTA-2015-00015 DRIVE THRU WINDOWS.</i></p>	<p><u>Clerk:</u> No action required.</p>
<p>6. <u>Presentation - Informational:</u> <u>Developing an Economic Development Strategy: A Comprehensive, Best Practices</u></p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • Staff to work with Firehock and Keller to compile the list of questions from Commissioners and confirm future roundtable meeting on April 19th in room 241.

<p><u>Approach</u> (Faith McClintic)</p> <p>Presentation received from Ms. McClintic on the approach and update of work underway in the Economic Development Office. The Commission provided comments, asked questions and requested more dialogue in future roundtable in room 241.</p> <p>The Commission agreed to change next meeting to April 19th from April 12th.</p> <p>No formal action taken. (See minutes for details)</p>	<ul style="list-style-type: none"> Ms. McClintic to schedule meeting with individual Commissioners.
<p>7. Old Business</p> <ul style="list-style-type: none"> None 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> No action required
<p>8. New Business</p> <p>a. <u>ZTA-2016-00003 Farm Wineries, Breweries and Distilleries Events – appointment of PC Liaison</u> Unanimously appointed Tim Keller as the Planning Commission member to serve as a liaison to the public engagement process associated with ZTA-2016-3.</p> <p>b. <u>Resolution of intent to consider amending the Comprehensive Plan by repealing the Cash Proffer Policy</u> (Greg Kamptner)</p> <p>ADOPTED Resolution of Intent, by a vote of (5:0) (More, Lafferty absent) to consider amending the comprehensive plan by repealing the cash proffer amount as shown in Attachment 2.</p> <p>c. <u>Resolution of intent to consider amending the Comprehensive Plan by adopting a Proffer Policy</u> (Greg Kamptner)</p> <p>ADOPTED Resolution of Intent, by a vote of (5:0) (More, Lafferty absent) to amend the comprehensive plan by adopting a proffer policy as shown in Attachment 3.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> Notify staff of Tim Keller’s appointment associated with ZTA-2016-3 process. Adopted Resolution of Intent to amend Comp Plan by repealing Cash Proffer Policy to proceed work on zoning text amendment as noted in the actions. Staff to assign number and schedule public hearing. Adopted Resolutions forwarded to staff of Intent to consider amending comp plan by adopting Proffer Policy as noted in the actions.

<p>d. There are no Planning Commission meetings on Tuesday, March 22, 2016, March 29, 2016 and April 5, 2016. (There is still the possibility of having an April 5th and April 12th meeting.)</p> <p>e. The next meeting will be held on Tuesday, April 19, 2016 in Conference Room 241. (Staff is not sure if there will be an April 12 meeting)</p>	
<p>10. Adjourn to April 19, 2016 Albemarle County Planning Commission meeting, 6:00 p.m., County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:25 p.m. 	

Attachment 1 – ZMA-2012-7 5th Street Commercial – Planning Commission Recommendation

Attachment 2 – Resolution of intent to consider amending the Comprehensive Plan by repealing the Cash Proffer Policy

Attachment 3 - Resolution of intent to consider amending the Comprehensive Plan by adopting a Proffer Policy

ATTACHMENT 1

ZMA-2012-7 5th Street Commercial – Planning Commission Recommendation

DEFERRED ZMA-2012-7, as requested by the applicant, by a vote of 5:0, (More, Lafferty absent) to June 21, 2016 in order to allow the applicant and staff to address the issues identified in Attachment F of the staff report and in line with the comments received from the Planning Commission. The Commission agreed with all of the issues raised by staff with the possible exception of relegated parking and other comments as noted below.

- Relegated Parking: Commissioners favor a design that conforms to the maximum 30' building setback requirement established in the recent ZTA.
- Commissioners believed that the location of the site near an interchange and the existing auto-orientation of the area might allow them to support the applicant's request to provide for a parking area between 5th Street and the building that faces 5th Street.
- Commissioners noted that if the applicant requests a special exception for a greater setback than 30 feet, he would need to make his case based on Section 4.20.a. of the Zoning Ordinance that says a maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulations plans, or a unique target market design.

(See Minutes for Details)

ATTACHMENT 2

RESOLUTION OF INTENT

WHEREAS, the Cash Proffer Policy for Public Facilities was adopted as part of the County's Comprehensive Plan on October 10, 2007 so that all new zoning map amendments that include residential development would contribute cash to address the impacts to public facilities for schools, transportation, public safety, parks, and libraries; and

WHEREAS, as a result of the economic recession that began in 2008, which affected the projects in the County's capital improvements program and capital needs assessment, and an amendment to Virginia Code § 15.2-2303.2 in 2013 that restricted the use of cash proffers to only new public facilities or projects that expand the capacity of existing public facilities, some assumptions on which the Cash Proffer Policy was based have changed; and

WHEREAS, Virginia Code § 15.2-2303.4 will become effective July 1, 2016 and will substantially change the law with respect to proffers; and

WHEREAS, the Cash Proffer Policy will be inconsistent with Virginia Code § 15.2-2303.4.

NOW, THEREFORE BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good planning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending the Albemarle County Comprehensive Plan by repealing the Cash Proffer Policy; and

BE IT FURTHER RESOLVED THAT the Albemarle County Planning Commission shall expeditiously hold a public hearing on the Comprehensive Plan amendment proposed by this resolution of intent and forward its recommendation to the Board of Supervisors.

ATTACHMENT 3

RESOLUTION OF INTENT

WHEREAS, the Cash Proffer Policy for Public Facilities was adopted as part of the County's Comprehensive Plan on October 10, 2007 so that all new zoning map amendments that include residential development would contribute cash to address the impacts to public facilities for schools, transportation, public safety, parks, and libraries; and

WHEREAS, Virginia Code § 15.2-2303.4 will become effective July 1, 2016 and it substantially changes the law with respect to proffers; and

WHEREAS, the Albemarle County Planning Commission adopted a resolution of intent to repeal the Cash Proffer Policy on March 15, 2016; and

WHEREAS, it is desirable to have a Proffer Policy as part of the County's Comprehensive Plan to guide the analysis of impacts and how they may be addressed in a manner consistent with Virginia Code § 15.2-2303.4.

NOW, THEREFORE BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good planning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending the Albemarle County Comprehensive Plan as deemed necessary in order to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Albemarle County Planning Commission shall expeditiously hold a public hearing on the Comprehensive Plan amendment proposed by this resolution of intent and forward its recommendation to the Board of Supervisors.