

FINAL ACTIONS
Planning Commission Meeting of October 18, 2016

October 20, 2016

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting called to order at 6:00 p.m., by Chair, Mr. Keller. Also present were Margaret Maliszewski, Rachel Falkenstein, John Blair, Elaine Echols, Sharon Taylor and Andrew Gast-Bray. 	
<p>2. Committee Reports</p> <p>The following committee reports were given:</p> <p><u>Pam Riley:</u> Reported the following: <u>Historic Preservation Committee.</u></p> <ul style="list-style-type: none"> • <u>On September 26</u> discussed cemeteries and preservation of burial sites, etc.; to pursue a cemetery overlay through GIS; and to reconsider Historic Preservation Ordinance in the County. • <u>On August 22</u> discussed ZTA for expansion of historic buildings with staff; received applicant presentation; discussed several aspects of the proposed ordinance and passed a motion unanimously recommending items to be addressed as discussed during the meeting and summarized by Elaine Echols, which included increased involvement of the HPC in the process. <p><u>5th Street and Avon St. CAC.</u></p> <ul style="list-style-type: none"> • On September 15 received bond referendum update by Kate Acuff and a report by the Southern Area Library Committee. • Next meeting this Thursday at Southwood to receive update by habitat about Southwood project and Boys and Girls Club expansion. <p><u>Village of Rivanna CAC.</u> no meeting.</p> <p><u>Bruce Dotson</u> reported: <u>University of Virginia Master Planning Council.</u> Presented a new master plan</p>	

<p>for Brandon Avenue with a new student health center in the city and the University's plan for the Ivy Road Improvements. Since both projects in Monticello View Shed he encouraged UVA to speak with Monticello about that in accord with the comp plan.</p> <p><u>Capital Improvement Program (CIP).</u> CIP Oversight Committee will hold 3 meetings with the first on November 14 with report at November 15 PC meeting for PC feedback regarding changes in timing or cost estimates due to limited review.</p> <p><u>Daphne Spain</u> reported: <u>Places29 North CAC</u> met last night and Emily Kilroy distributed the notes from the joint CAC meeting several weeks ago and the emphasis was on understanding the proffer policy. Also updated on the suggestions that developers present their plans at a separate meeting; and their community meeting should be held separately from the regular CAC meeting to give participants longer to comment. David Mitchell discussed plans for North Pointe.</p> <p><u>Thursday, October 20</u> meeting to be held with the Forest Hills Group about Brookhill. Forest Hills Homeowner's Associations wants to talk further about the planned parking at the Trailhead at Brookhill right at Ashwood Blvd. and Rt. 29 at the Forest Lakes North Clubhouse.</p>	
<p>3. Other Matters Not on the Agenda from the Public.</p> <ul style="list-style-type: none"> • <u>Neil Williamson</u>, with the Free Enterprise Forum discussed his reasons for disagreement of the Albemarle Historic Preservation Committee being the lead agency for reviewing applications that are on historical sites. He hoped county staff will be present at the Brookhill community meeting on Thursday. 	
<p>5. Public Hearings <u>5a. SP-2016-00011 Malloy Ford Outdoor Storage & Display</u> MAGISTERIAL DISTRICT: Rio</p>	<p><u>Clerk:</u> This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.</p>

<p>TAX MAP/PARCEL: 04500000068C1 LOCATION: 2070 Seminole Trail PROPOSAL: Establish outdoor sales/storage/display of vehicles on 5.19 acres PETITION: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of zoning ordinance. 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 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.</p> <p style="text-align: center;">AND</p> <p>5b. SP-2016-00018 Malloy Ford Body Shop MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 04500000068C1 LOCATION: 2070 Seminole Trail PROPOSAL: Establish body shop on 5.19 acres 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 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</p>	<p><u>Staff:</u> Action Letter – Recommended Approval of SP-2016-00011 and SP-2016-00018 as noted in the actions.</p>
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<p>Neighborhood 1 – Places 29. (Margaret Maliszewski)</p> <ul style="list-style-type: none"> • Motion for friendly amendment failed by a vote of 2:5. (Lafferty, Spain, Keller, Riley, Dotson nay) for 6e to remain as it is in the staff report that large shade trees spaced 40’ on center shall be provided in new planting beds along the south perimeter of the middle vehicle storage area. • By a vote of 7:0, RECOMMEND APPROVAL of SP-2016-00011 with the conditions recommended by staff except for 6e which would be modified as shown on the conceptual plan and in attachment 1. • By a vote of 7:0, RECOMMEND APPROVAL of SP-2016-00018 as recommended by staff with the conditions outlined in the staff report and shown in attachment 1. 	
<p>5c. ZMA-2016-00009 Wood Von Storch MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 04500000011200, 045000000112E0 LOCATION: 3400 Berkmar Drive PROPOSAL: Request to rezone parcels from R-6 Residential to HC Highway Commercial PETITION: Rezone 4.428 acres from R-6 Residential zoning district which allows residential uses at a density of 6 units per acre, to HC Highway Commercial which allows commercial and service, residential by special use permit (15 units/ acre) OVERLAY DISTRICT: Airport Impact Area; Managed Steep Slopes PROFFERS: Yes COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in the Places29 development area. (Rachel Falkenstein)</p> <ul style="list-style-type: none"> • By a vote of 7:0, RECOMMEND 	<p><u>Clerk</u>: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.</p> <p><u>Staff</u>: Action Letter – Recommended Approval of ZMA-2016-00009 as noted in the actions.</p>

<p>APPROVAL of ZMA-2016-00009 with revisions as recommended by staff in the staff report with the addition of a proffer to address the preservation of the cemetery to include a treatment plan and a historical marker, as shown in attachment 2.</p>	
<p>The Planning Commission recessed at 7:38 p.m. during the discussion of ZMA-16-9 and the meeting reconvened at 7:46 p.m. for further discussion.</p>	
<p>4d. ZTA-2015-00013 Inns & Taverns (Clifton Inn) Public hearing to receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-3.1, Definitions, and 18-10.2.2, By special use permit (RA), and adding Sec. 18-5.1.61, Historic restaurants and inns, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1 by amending the definition of Historic District; add Sec. 18-5.1.61 by establishing regulations applicable to historic restaurants and inns by delineating the requirements for establishing and expanding allowable uses, including a requirement that proposed additions, new structures, and structure modifications be complementary and proportionate to the existing structures and site and must not adversely impact the historic character or significance of the structure or site or result in de-listing of the structure or site from the National Register of Historic Places and/or Virginia Landmarks Register; and amend Sec. 18-10.2.2 by amending the requirements of what constitutes an allowable use after the effective date of this ordinance, if adopted, including a requirement that any additions or new structures to a historic structure or site shall serve an existing and operating restaurant, tavern, or inn. 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,</p>	<p><u>Clerk</u>: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.</p> <p><u>Staff</u>: Action Letter – Recommended Adoption of the proposed ordinance for ZTA-2015-13 as noted in the actions.</p>

<p>401 McIntire Road, Charlottesville, Virginia. (Elaine Echols)</p> <p>By a vote of 7:0, RECOMMEND ADOPTION of ZTA-2015-00013 of the proposed ordinance found in Attachment C with the following modifications: delete the words, “when available” in Section 5.1.61.3 and further clarify in Section 10.2.2.27 (iii) that the referenced restaurants, taverns and inns must be operating under an approved special use permit.</p>	
<p>5. Other Public Comments.</p> <ul style="list-style-type: none"> • <u>There was none.</u> 	
<p>6. Old Business.</p> <p>Jennie Moore:</p> <ul style="list-style-type: none"> • Community Meeting/CAC Meeting Process and procedure. <p>Bruce Dotson:</p> <ul style="list-style-type: none"> • CIP Process – input from PC on November 15 	<p><u>Staff:</u> Provide information on Community Meeting/CAC Meeting process changes.</p>
<p>7. New Business.</p> <p>Bruce Dotson:</p> <ul style="list-style-type: none"> • 2232 Review Court System – PC Review of proposed facilities and locations for conformity with the comprehensive plan. • Absent on October 25th PC meeting. <p>Tim Keller:</p> <ul style="list-style-type: none"> • Announced change - Joint Meeting with the City Planning Commission on Tuesday, October 25, 2016 at 5:00 p.m. at Thomas Jefferson Planning District Building, 401 Water Street E. 	<p><u>Staff:</u> Report back to PC on plans for 2232 review.</p>
<p>8. Adjourn to Tuesday, October 25, 2016, 5:00 p.m., at Thomas Jefferson Planning District, Water Street Center, 401 Water Street E, Charlottesville, VA 22902.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:40 p.m. 	

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- Attachment 1 – SP-2016-00011 Malloy Ford Outdoor Storage & Display and SP-2016-00018 Malloy Ford Body Shop
- Attachment 2 – ZMA-2016-00009 Wood Von Storch
- Attachment 3 – ZTA-2015-00013 Inns & Taverns (Clifton Inn)

SP-2016-00011 Malloy Ford Outdoor Storage & Display and SP-2016-00018 Malloy Ford Body Shop - Recommended Conditions of Approval

SP-2016-00011 Malloy Ford Outdoor Sales Storage and Display

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised August 30, 2016, 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 vehicle display and storage areas. 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.
2. Vehicles shall be displayed or stored only in areas indicated for display or storage on the plan entitled "Conceptual Special Use Application Plan for Malloy Ford" last revised on August 30, 2016 (the Concept Plan).
3. Vehicles for display shall be parked in striped parking spaces.
4. Vehicles shall not be elevated anywhere outside of a building on site.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum height of new pole lights (including bases and fixtures), shall not exceed 20'. Maximum light levels shall not exceed 30 footcandles in the display lot and 20 footcandles in all other locations. Nonconforming pole lights shall be removed or fixtures shall be replaced with full cutoff fixtures to match other proposed fixtures.
6. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB guidelines and/or the Zoning Ordinance to mitigate visual impacts of the proposed use, and shall include, but not be limited to, the following:
 - a. Planting area along the Entrance Corridor frontage shall be increased, if necessary, to accommodate planting outside of easements.
 - b. Large shade trees shall be evenly distributed at the interior of the display lot at a rate of 1 tree for every 10 spaces.
 - c. Ground cover shall be provided continuous throughout the north, east and south sides of the front display area.
 - d. Shrubs provided at the perimeter of the display area shall be a minimum of 30"-36" high at planting.
 - e. Large shade trees spaced 40' on center shall be provided in new planting beds or islands along the south perimeter of the middle vehicle storage area as shown on the concept plan.

SP-2016-00018 Malloy Ford Body Shop

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised August 30, 2016, 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.
2. There shall be no storage of parts, materials or equipment except within an enclosed building;
3. No vehicle awaiting repair shall be located on any portion of the property so as to be visible

from any public road or any residential property, and shall be limited to locations designated on the approved site plan. Landscape screening or other measures added to eliminate visibility shall be shown on a site plan and are subject to approval of the Director of Planning or his designee.

ATTACHMENT 2

ZMA-2016-00009 Wood Von Storch - Recommended Conditions of Approval

The Planning Commission recommends approval of ZMA-2016-00009 Wood Von Storch, provided that the applicant make the following commitments and changes to the proffers and concept plan prior to the Board of Supervisors meeting:

1. A commitment to keep an area measured 40 feet from the northern property line free from impediments for a potential future roadway.
2. A commitment to providing pedestrian entrances and access from Berkmar Drive.
3. Either written approval from VDOT for the proposed entrance or a note on the concept plan stating that the entrance location is subject VDOT approval and a shared entrance with adjacent properties may be required.
4. A commitment to major elements of the concept plan in a written proffer as described in the proffers section above.
5. Technical revisions to the proffers and concept plan as described above.
6. **Revision to the proffers regarding preservation of the cemetery to include a treatment plan and a historical marker.**

ZTA-2015-00013 Inns & Taverns (Clifton Inn)

The Planning Commission recommends adoption of the proposed ordinance found in Attachment C with the following modifications: delete the words, "when available" in Section 5.1.61.3 and further clarify in Section 10.2.2.27 (iii) that the referenced restaurants, taverns and inns must be operating under an approved special use permit.

ORDINANCE NO. 16-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
- Sec. 10.2.2 By special use permit

By Adding:

- Sec. 5.1.61 Historic restaurants, taverns, and inns

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

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~~Historic district: The Southwest Mountains Rural Historic District, the Southern Albemarle Historic District, the Proffit Historic District and the Batesville Historic District, all of which are listed on the Virginia Landmarks Register.~~ Any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-09)

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Article II. Basic Regulations

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Sec. 5.1.61 Historic restaurants, taverns, and inns

In addition to the factors to be considered for a special use permit under section 33.8, each application for one or more uses authorized under section 10.2.2.27(a) shall conform to the following:

1. The use shall be consistent with the Rural Area goals listed in the Comprehensive Plan.
2. The location and scale of proposed structures and additions shall be complementary and proportionate to the existing historic structures and/or site, and additions and new structures shall be clearly subordinate to the historic structures on the site. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure adversely impact the historic character or significance of the structure and/or site as determined by the director of planning or his/her designee.
3. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure result in de-listing of the structure and/or site from the National Register of Historic Places and/or Virginia Landmarks Register, as indicated in a determination by the Virginia Department of Historic Resources, when available.
4. The proposed additions, new structures, and exterior modifications to the historic structure shall protect archaeological resources and preserve them in place. If such resources must be disturbed, mitigation measures as determined by the director of planning or his/her designee shall be undertaken.

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Sec. 10.2.2 By special use permit

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

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27. Restaurants, taverns, and inns that are:

- a. Located within an historic landmark as designated in the comprehensive plan on a site containing a structure that is a historic structure and/or a historic site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure ~~has been~~ was historically used or lawfully licensed as a restaurant, tavern or inn; and (ii) if renovations or restoration of the historic structure is proposed, such changes shall restore the structure shall be restored as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern, or inn existing and operating on (date of ordinance adoption); or
- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)

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I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill _____	_____	_____
Ms. Mallek _____	_____	_____
Ms. McKeel _____	_____	_____
Ms. Palmer _____	_____	_____
Mr. Randolph _____	_____	_____
Mr. Sheffield _____	_____	_____