

ACTIONS
Board of Supervisors Meeting of January 13, 2010

January 22, 2010

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:42 a.m. by the Chair, Ms. Mallek. All BOS members were present. Mr. Snow arrived at 9:42 a.m. Also present were Bob Tucker, Larry Davis, and Meagan Hoy. 	
<p>1a. From the Board: Matters not Listed on the Agenda. <u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> Before the meeting was called to order, the Board discussed moving the discussion and scheduled public comments on Arden Place to a future meeting date. Mr. Thomas clarified that citizens will be given the opportunity to speak at a future meeting. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Provided Board members with a copy of recommended language by VML concerning the proposed constitutional amendment to exempt disabled veterans from property taxes. APPROVED, by a vote of 6:0, sending letter to VACo and Legislative representatives. Board members will be receiving in the near future a mailing and CD that shows what small improvements people can make to conserve energy and lower their utility bills. She attended the rededication of the Martin Horn building. They have achieved LEED status for their existing building. Asked the Board to allow the expenditure of \$1,000 from the ACE advertising fund to be the local match for the recently awarded grant from the State Development Block Grant for the Artisan Trail. The grant and match are for the creation of the publication of the Artisan Trail brochure. APPROVED, by a vote of 6:0, the use of \$1,000 from the ACE advertising fund to serve as the match for the recently awarded grant from the State Development Block Grant for the Artisan Trail. 	<p><u>Clerk:</u> Schedule on future agenda and allow public comment time.</p> <p><u>Clerk:</u> Prepare letter and send to VACo and Legislative representatives.</p> <p><u>Clerk:</u> Forward appropriate information to Finance when it is received.</p>
<p>1b. From the Public: Matters not Listed for Public hearing on the Agenda.</p> <ul style="list-style-type: none"> Morgan Butler, Southern Environmental Law Center, spoke about the Places29 Master Plan. He urged the Board to make sure they have all the information, such as a traffic study, before they change the Plan. He also stressed the importance of grade-separated interchanges. Jeff Werner, PEC, distributed to the Board a spreadsheet of commercial retail space that has been approved or is pending, including a 	

	listing of residential property in the County. He added that even with the removal of Biscuit Run property, there are 12,000 approved dwelling units and 1,000 pending.	
2.1.	<p>Increase Department of Social Services (DSS) Full-Time Equivalent (FTE) Employee Authorized Staffing Level.</p> <ul style="list-style-type: none"> • AUTHORIZED, by a vote of 6:0, an increase in the number of authorized General Fund FTE Employees in DSS from 100.2 to 103.2. 	<u>Human Resources/Kathy Ralston</u> : Proceed as approved.
2.2	<p>FY 2010 Appropriation.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the budget amendment in the amount of \$1,500,000.00 and APPROVED Appropriation #2010060. 	<u>Clerk</u> : Forward copy of signed appropriation forms to Finance and appropriate individuals.
3.	<p>PUBLIC HEARING to solicit public input on local housing and community development needs in relation to the Community Development Block Grant (CDBG) funding available to the County.</p> <ul style="list-style-type: none"> • AUTHORIZED, by a vote of 6:0, to set a public hearing for Wednesday, March 10, 2010 to review and approve the submission of any proposed applications. 	<u>Clerk</u> : Advertise and schedule public hearing for March 10, 2010 agenda.
4.	<p>PUBLIC HEARING: ZTA-2009-00010. Downtown Crozet District (DCD).</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached ordinance. 	<u>Clerk</u> : Forward copy of adopted ordinance to Community Development and County Attorney's Office. (Attachment 1)
5.	<p>Work Session: Places29: A Master Plan for the Northern Development Areas.</p> <ul style="list-style-type: none"> • HELD. 	<u>Clerk</u> : Schedule additional work session (with public comment period) on future agenda.
6.	<p>Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Richard Carter as the Jack Jouett District representative to the Albemarle County Service Authority with said term to expire December 31, 2013. • APPOINTED Blake Hurt as the Rivanna District representative to the Economic Development Authority with said term to expire January 19, 2014. • APPOINTED Mary Lou Fowler as the Jack Jouett District representative to the Social Services Board with said term to expire December 31, 2013. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.
7.	<p>Adjourn to February 3, 2010, 9:00 a.m.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 12:10 p.m. 	

/mrh

Attachment 1 – Ordinance - ZTA-2009-00010. Downtown Crozet District

ORDINANCE NO. 10-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL REGULATIONS, 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 Regulations, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

- Sec. 4.15.2 Definitions
- Sec. 20B.3 Area and bulk regulations
- Sec. 20B.7 Sidewalks and street trees

By Amending and Renaming:

- Sec. 4.15.11 Regulations applicable in the PUD, DCD and NMD zoning districts

Chapter 18. Zoning

Article I. General Regulations

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

...

(46.1) *Sandwich board sign.* The term “sandwich board sign” means an A-frame sign with two (2) faces that is periodically placed directly in front of the place of business that it advertises.

...

Article II. Basic Regulations

Sec. 4.15.11 Regulations applicable in the PUD, DCD and NMD zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Planned Unit Development (PUD), Downtown Crozet (DCD) and Neighborhood Model (NMD) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	24 square feet, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	12 feet	5 feet
Projecting	1 per street frontage	24 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
Temporary	1 per street	24 square feet	12 feet, if	5 feet

	frontage per establishment		freestanding sign; 20 feet, if residential wall sign or 30 feet if nonresidential wall sign, but not to exceed the top of the fascia or mansard	
Wall	As calculated pursuant to section 4.15.20	1 square foot per 1 linear foot of establishment structure frontage, not to exceed 32 square feet if residential wall sign, or 100 square feet if nonresidential wall sign	20 feet, if residential wall sign or 30 feet if nonresidential wall sign	Same as that applicable to structure

Within the DCD, one (1) sandwich board sign is permitted for each establishment subject to the following: (1) the sign shall not exceed four (4) feet in height, two (2) feet in width or eight (8) square feet of area per sign face; (2) if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three (3) feet wide; (3) the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; (4) the sign shall not be illuminated; (5) the sign shall be removed during non-business hours; and (6) if the sign is located on county-owned right-of-way, prior to placement of the sign the owner shall agree to indemnify and hold harmless the county against any claim or liability arising from the placement of the sign, and the agreement shall be in a form and have a substance approved by the county attorney. Sandwich board signs shall be exempt from review and approval under section 30.6.

(12-10-80; 7-8-92, § 4.15.12.4; Ord. 01-18(3), 5-9-01; Ord. 03-18(2), 3-19-03)

State law reference – Va. Code § 15.2-2280.

Article III. District Regulations

Sec. 20B.3 Area and bulk regulations

Area and bulk regulations within the DCD are as follows:

- A. *Area and bulk regulations, generally.* Any buildings, structures (collectively, “buildings”) and improvements established on and after June 11, 2008 and to which subsection 20B.3(B) does not apply, shall be subject to the following area and bulk regulations and subsections 20B.3(C) through (J):

Building Setbacks (See Figure 1) Primary Buildings Front-Minimum Front-Maximum Side-Minimum except from accessway or alley Side-Minimum from accessway or alley Side-Maximum (See Figure 2) Rear-Minimum Secondary Buildings Front-Minimum Front-Maximum Side-Minimum except from accessway or alley Side-Minimum from accessway or alley Side-Maximum Rear-Minimum	1 foot 10 feet, except up to 20 feet with administrative modification (See subsection 20B.3(H)) 0 feet 3 feet, except 1 foot within a building façade break 20 feet, except with administrative waiver (See subsection 20B.3(H)) 0 feet 1 foot Prevailing building pattern, as determined by director of planning 0 feet 3 feet, except 1 foot within a building façade break Prevailing building pattern, as determined by director of planning 0 feet See also subsection 20B.3(C) for corner lots
Parking Setbacks Front-Minimum-As a primary use (stand alone parking)	Same as maximum front building setback (10 feet, except up to 20 feet with modification (See subsection 20B.3(J)))

Front-Minimum-As an accessory use	No closer to the right-of-way than any existing or proposed primary structure on the lot. Parking areas shall be located to the rear and/or side of the primary structures, as viewed from the right-of-way to which the lot abuts. On corner lots, the parking areas shall be located to the side or rear of the primary structure, and not between the structure and any rights-of-way that intersect at the corner.
Side-Minimum-As a primary use (stand alone parking)	0 feet
Side-Minimum-As an accessory use	3 feet
Rear (Minimum)	0 feet
Stepbacks (See Figure 4) Front-Minimum	Floors above 40 feet or the third story shall be stepped back a minimum of 15 feet
Building façade breaks (See Figure 3) Front-Minimum	Every 200 linear feet (See section 20B.3(E)), except with administrative waiver (See section 20B.3(H))
Lot size Minimum	1500 square feet
Density Residential-Maximum	36 dwelling units per acre
Frontage Minimum	None
Building Height (See Figure 4) Minimum height-by right	30 feet or 2 stories
Minimum height-by special use permit	1 story
Maximum height –by right	50 feet or 4 stories
Maximum height-by special use permit	70 feet or 6 stories

- B. *Area and bulk regulations, pre-existing buildings, structures and improvements.* Notwithstanding subsections 6.3(A)(1) and (3), and subsection 20B.3(A) of this chapter, any building or structure established before, and existing on, June 11, 2008, may be extended or enlarged without complying with the maximum front and maximum side yard setbacks and the minimum front yard setback for parking as an accessory use.
- C. *Corner lots; determination of front and other sides.* Notwithstanding sections 4.6.2(b) and 4.6.3 of this chapter to the extent they determine when front yard setbacks apply, for purposes of determining setbacks on corner lots the director of planning (the “director”) shall determine which side of a corner lot abutting a street shall be the front based upon the prevailing building pattern that has developed in the vicinity of the lot, and shall then determine which other sides will be the sides and rear of the lot.
- D. *Minimum standards for a building façade break.* Each building façade break shall provide either pedestrian access or motor vehicle and pedestrian access to the side and/or rear of the building on the same lot. A building façade break providing only pedestrian access shall be a sidewalk having a minimum width of five (5) feet. A building façade break providing both motor vehicle and pedestrian access shall have a travelway at least twelve (12) feet in width and a sidewalk on at least one side having a minimum width of five (5) feet. The travelway and the sidewalk shall be designed and constructed to the applicable standards in the design standards manual. Buildings separated by a building façade break shall have a minimum separation of the width of the pedestrian access or motor vehicle and pedestrian access at all points above the ground. See Figure 3.
- E. *Building entrances.* Each building abutting a street shall have a primary entrance from either the front or side of the building. A building also may have secondary entrances on the side or rear of the building. If the primary entrance is located on the side of a building, its doors shall face the front of the building.

- F. *Stories.* For the purposes of this section 20B, each story shall be visibly discernible from the street and be composed of habitable space and/or occupiable space, as defined by the Virginia Uniform Statewide Building Code. Visibly discernible stories shall be achieved through the use of windows or building entries on each story, using varied building materials, special ground-floor design treatments, or other façade elements or other architectural details. In accordance with the procedures stated in subsection 20B.3(l), the director may waive the requirement that windows, building entries or other façade elements be used to make each story visibly discernible if the applicant demonstrates to the satisfaction of the director that the use of other architectural details would render the stories visibly discernible to an equivalent degree.
- G. *No structures within easements within setbacks.* No structures shall be established within easements located within setbacks.
- H. *Modifications or waivers to change maximum setbacks or minimum building façade break.* In accordance with the procedures stated in subsection 20B.3(l), the director may modify the ten (10) foot front building setback and authorize the front building setback to be increased to up to twenty (20) feet, may waive the maximum side yard setback and establish a different setback, and may waive the minimum building façade break and establish a different minimum building façade break. The director may grant a waiver or modification in the following circumstances: (i) to allow outdoor café seating; (ii) to accommodate public spaces and plazas; (iii) where topography, easements, or unusual physical conditions make compliance with the requirement impracticable; (iv) where the required sidewalk and street trees are located on the lot instead of in a public right-of-way; (v) the strict application of the requirement would not further the purposes of this chapter or otherwise serve the public health, safety or welfare, and the waiver or modification would better achieve the goals of the comprehensive plan or provide a design that better meets the purpose and intent of the DCD; or (vi) the waiver or modification would allow the building to be consistent with the prevailing building pattern that has developed in the vicinity of the lot.
- I. *Procedure for administrative modifications and waivers.* Applications for modifications or waivers (collectively, “waivers”) authorized to be reviewed and acted upon by the director or the agent (collectively, the “director”), as applicable, pursuant to this section 20B shall be reviewed and acted upon according to the following procedure:
1. *Application.* The applicant shall file a written request with the department of community development stating why one or more of the applicable circumstances exist or criteria are satisfied to allow the waiver to be granted.
 2. *Action by the director.* The director shall act on the waiver request in conjunction with the county’s action of the site plan, subdivision plat or special use permit or, if no such action is required, within thirty (30) days of the date the application was submitted and determined to be complete. The director may grant the waiver if he or she determines that one or more applicable circumstances exist or criteria are satisfied. In granting a waiver, the director may impose conditions deemed necessary to protect the public health, safety, or welfare. If review of a site plan or subdivision plat by the commission is requested, the agent may either act on the waiver or defer action and allow the commission to act on the waiver as part of its consideration of the plan or plat, in which case the commission shall have the same authority as though it were considering the waiver on appeal.
 3. *Appeal to the commission or the board.* The denial of a waiver, or the approval of a waiver with conditions objectionable to the applicant, may be appealed from the director to the commission and from the commission to the board, as the case may be, as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten (10) days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by

the board of supervisors without the filing of an appeal. In considering a waiver on appeal, the commission or the board may grant or deny the waiver based upon its determination of whether one or more applicable circumstances exist or criteria are satisfied, amend any condition imposed by the director or the commission, and impose any conditions deemed necessary to protect the public health, safety, or welfare.

J. *Waiver to allow alternative location of parking area.* The parking area setback requirements in subsection 20B.3(A) may be waived as follows:

1. *Consideration by commission.* The commission may waive the parking area setback requirements in subsection 20B.3(A) and allow a parking area to be located between a street and a primary structure, subject to reasonable conditions that it may impose, upon a finding that:

- a. There are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, narrowness or shallowness or the size or shape of the lot that make it impossible or unfeasible to provide parking to the side or rear of a primary structure;
- b. The potential safety of patrons and employees cannot be achieved with adequate lighting and other reasonable design solutions; or
- c. The strict application of the applicable regulations in subsection 20B.3(A) would not further the purposes of this chapter or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

2. *Consideration by the board of supervisors.* The board of supervisors may consider a request under this subsection only as follows:

- a. The denial of the request, or the approval of the request with conditions objectionable to the applicant may be appealed to the board of supervisors as an appeal of the plat, as provided in section 14-226 of the Code, or a denial of the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten (10) days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors without the filing of an appeal.
- b. In considering a request, the board may grant or deny the request based upon the findings set forth in subsection 20B.3(J)(1), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 20B.3(J)(1).

K. *Terms defined.* The term “primary building” means the buildings or structures on a lot that comply with the minimum and maximum front yard setback requirements for a primary building as provided in subsection 20B.3(A). The term “secondary building” means any building or structure that is not a primary building on a lot containing at least one (1) primary building.

(Ord. 08-18(3), 6-11-08)

20B.7 SIDEWALKS AND STREET TREES

For each development requiring approval of a site plan under section 32 of this chapter, sidewalks and street trees in the DCD shall be provided as follows:

- A. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. Each sidewalk on Crozet Avenue, Three Notch'd Road and the street identified in the Crozet master plan as the new Main Street shall be at least ten (10) feet wide. All other sidewalks shall be at least eight (8) feet wide. See Figure 9.
- B. *Sidewalk ownership.* Each sidewalk, including street trees, proposed to be accepted for maintenance by the Virginia Department of Transportation, shall be dedicated to public use. Each sidewalk, including street trees, proposed to be privately maintained, shall be maintained by the owner of the lot on which the sidewalk and street trees exist or an owners association that is obligated to maintain the sidewalk and street trees. The agent may require that a sidewalk proposed by the developer to be privately maintained instead be dedicated to public use if the agent determines that the sidewalk serves a public purpose and there is a need for the sidewalks to be publicly owned and maintained.
- C. *Street trees.* Notwithstanding section 32.7.9.6 of this chapter, street trees shall be planted within grates on each sidewalk or in a planting strip abutting the sidewalk, spaced at a minimum of twenty-five (25) and a maximum of forty (40) feet on center and the distance of each tree from the edge of the sidewalk shall be approved by the agent. Street trees shall be selected from a current list of recommended large shade trees, subject to the approval of the agent when site conditions warrant medium shade trees. See Figure 9.
- D. *Waivers from sidewalk and/or street tree requirements.* In accordance with the procedures stated in subsection 20B.3(1), the agent may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) either the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees or existing utility easements prohibit establishing sidewalks and/or planting street trees; (ii) there are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, the narrowness, shallowness, size or shape of the lot, or the width or alignment of the existing sidewalk, that make it impossible or unfeasible to provide the required sidewalk and/or street trees as provided in subsections 20B.7(A) and (C); or (iii) the strict application of the requirements of subsections 20B.7(A) and (C) would not further the purposes of this chapter or the DCD or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.