

**FINAL ACTIONS**  
**Planning Commission Meeting of May 15, 2012**

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>FOLLOW-UP ACTION</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 6:00 p.m. by Calvin Morris, Chairman.</li> <li>• PC members present were Mr. Morris, Mr. Loach, Mr. Dotson, Mr. Randolph, Mr. Franco, Mr. Smith, and Mr. Lafferty. Ms. Monteith was absent.</li> <li>• Staff present was Bill Fritz, Susan Stimart, Francis MacCall, Sarah Baldwin, Lee Catlin, Mark Graham, J.T. Newberry, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner.</li> </ul>	
<p>2. <b>From the Public: Other Matters Not Listed on the Agenda.</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• No action required</li> </ul>
<p>3. <b>Review of Board of Supervisors – May 9, 2012</b></p> <p>Mr. Cilimberg reviewed the Board actions taken on May 9, 2012.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• No action required</li> </ul>
<p>4. <b>Consent Agenda</b></p> <p><b>Approval of Minutes:</b> 4-3-2012 &amp; 8-3-2011</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Finalize Minutes &amp; Obtain Signature</li> </ul>
<p>5. <b>Work Sessions</b></p> <p><b><u>ZTA-2010-00004 Phase III Industrial Uses</u></b>  Re-Codification of Use Allowances in the Industrial Districts.  (Wayne Cilimberg)</p> <p>A work session was held to discuss the issues related to the proposed zoning text amendment for Re-codification of use allowances in the Industrial Districts. The Commission received a presentation from staff, took public comment, and provided input and direction on ordinance language to be brought back for review at a public hearing to be scheduled. <b>(Attachment 1)</b>  No formal action taken.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• <b>Action Letter</b> - Develop zoning text amendment to be reviewed at public hearing to be scheduled. <b>(Attachment 1)</b></li> <li>• Staff to take into consideration comments from the Commission and public and bring back ordinance language for public hearing.</li> </ul>
<p>The Planning Commission took a break at 7:15 p.m. and the meeting reconvened at 7:22 p.m.</p>	
<p>6. <b><u>ZTA-2012-00006 Legislative Review Process Improvements (re-zonings and special use permits)</u></b>  Changes to the legislative review process  (Wayne Cilimberg)</p> <p>A work session was held to discuss the issues related to the changes to the legislative review process (rezoning and</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter - Staff to schedule ZTA-2012-00006 for public hearing as soon as possible. Public outreach to obtain comments from development community will occur in a manner that does not slow down the process.</li> <li>• Staff to take into consideration comments from the Commission and public, make additional changes and bring back updated ordinance language.</li> </ul>

<p>special use permits). The Commission received a presentation from staff, took public comment, and commented on the recommended changes. (See minutes for details.)</p> <p><b>RECOMMEND</b>, by a vote of 7:0, that ZTA-2012-00006 be scheduled for public hearing as soon as possible with staff obtaining input from development community beforehand without slowing down process.</p>	
<p>7. <b><u>ZTA-2012-00009 Ministerial Review Process Improvements (site plans)</u></b> Changes to the ministerial review process (Bill Fritz)</p> <p>A work session was held to discuss the issues related to the proposed changes to the site plan review process. The Commission received a presentation from staff, took public comment, and commented on the recommended changes. (See minutes for details.)</p> <p><b>RECOMMEND</b>, By a vote of 7:0, that ZTA-2012-00009 Ministerial Review Process Improvements (site plans) be brought to public hearing as soon as possible with staff consideration of the Commission comments as outlined in <b>Attachment 2</b>. (See minutes for details)</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• <b>Action</b> – Staff to schedule ZTA-2012-00009 for public hearing as soon as possible taking into consideration the Commission’s concerns including the control of the depth of ARB review, incorporating bike facilities on travel ways, etc. as outlined in <b>Attachment 2</b>.</li> <li>• (See detailed discussion in minutes)</li> </ul>
<p>8. <b>Old Business</b></p> <ul style="list-style-type: none"> <li>• Due to summer schedules, the June 12<sup>th</sup> meeting changed to June 26<sup>th</sup> &amp; August 14<sup>th</sup> meeting changed to August 28<sup>th</sup></li> </ul>	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> <li>• Change PC meeting schedule, post on line and distribute.</li> </ul>
<p>9. <b>New Business</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	
<p>10. Adjourn to May 22, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:26 p.m.</li> </ul>	

**Attachment 1 – ZTA-2010-00004 Phase III Industrial Uses Re-Codification of Use Allowances in the Industrial Districts – Commission Comments and Suggestions**  
**Attachment 2 - ZTA-2012-00009 Ministerial Review Process Improvements (site plans) – Commission Comments and Suggestions**

## ZTA-2010-00004 Phase III Industrial Uses

### Work Session:

#### ZTA-2010-00004 Industrial Uses Phase III

Re-Codification of use Allowances in the Industrial Districts

**STAFF:** Cilimberg, McCulley, Stimart, Baldwin, Newberry

Mr. Cilimberg and Mr. Newberry presented a PowerPoint presentation and summarized the executive summary for ZTA-2010-0004, Phase III Industrial Uses to review and set general direction on the re-codification of use allowances in the Industrial Districts on staff's proposals in response to the Commission's direction at its January 31, 2012 work session, most particularly regarding office uses in industrial districts.

Re-codification of Use Allowances in the Industrial Districts  
May 15, 2012

#### Timeline for Industrial ZTA

- June 2, 2010 BOS passed Phase I
- August 3, 2011 BOS passed Phase II
- December 21, 2010 PC Work session on Phase III
- November 28, 2011 Roundtable to discuss Industrial Districts within the Comprehensive Plan Update
- November 29, 2011 Phase III Resolution of Intent
- January 31, 2012 PC Work session on Phase III

#### Staff's Focus

- Meet the Zoning Ordinance's intent for industrial districts
- Provide greater flexibility in meeting the nature and characteristics of today's industrial activity

#### January Staff Proposals

- Broad categories of industrial uses by-right; only specify industrial uses subject to SUP or prohibited
- Allow stand-alone office use by SUP in LI and HI (now by-right in LI); grandfather existing stand-alone office uses (with provision for future expansion of up to 25%)
- Allow C-1, CO and HC uses up to 25% of LI floor area by SUP (not now allowed)
- Allow supporting commercial up to 25% of floor area (up to 49% with modification) by-right in LI an HI (now up to 5% by SUP in LI and HI); allow subordinate office and retail up to 25% of floor area (up to 49% with modification) by-right in LI an HI (retail now up to 15% by SUP in LI)
- Allow slaughterhouses by-right in the LI and HI zoning districts (now by SUP in HI); allow Rendering Plants by SUP in the LI and by-right in the HI (now by SUP in HI)
- Prohibit especially hazardous and noxious uses
  - Manufacture of: acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, \*fireworks or explosives, fish meal, nitrogenous tankage, paints, varnish, or shellac that requires distillation or heating of ingredients, phosphates, turpentine
  - Sludge storage
  - Disposal/storage of toxic wastes as defined by the Toxic Substance Control Act (EPA website)
  - Incinerator
  - Allow multi-family by SUP in LI (not now allowed)
  - Indoor athletic facilities not expressly allowed (now by SUP in LI); possible up to 25% of floor area in LI by SUP as C-1, CO and HC use
  - Kennels and veterinary hospitals not expressly allowed (now by SUP in LI); possible up to 25% of floor area in LI by SUP as C-1, CO and HC use

- ❑ Motorcycle and off-road vehicle sales not expressly allowed (now by SP in HI); possible up to 25% of floor area in LI by SUP as C-1, CO and HC use

#### January PC Direction

- ❑ Office uses by-right - Supplementary regulations to assure convertibility for industrial uses
- ❑ C-1, CO and HC uses by special use permit with no restriction as to area - Supplementary regulations to assure convertibility for industrial uses and to address specific uses where necessary; includes kennels and indoor athletic facilities
- ❑ Analyze existing industrial locations to determine appropriateness of potential by-right industrial uses (ex. slaughterhouse)
- ❑ Agree with:
  - ❑ Multi-family by a special use permit
  - ❑ Generalized categories for by-right industrial uses and special use permits for specific uses
  - ❑ List of prohibited uses

#### Staff Information

- ❑ Regarding office uses:
  - ❑ Structures not required to be nor typically built to industrial building standards; ordinance cannot require buildings to be built to an industrial standard
  - ❑ Economic Vitality Action Plan: **“Continue pursuing strategies to stop the conversion of properties zoned light industry (LI) to commercial, office and other uses that are not “core” industrial uses.”**
- ❑ Regarding C-1, HC and CO uses:
  - ❑ In addition to convertibility, include compatibility and potential to support industrial uses in SP criteria
  - ❑ Industrial uses in commercial districts may be warranted
- ❑ Regarding appropriateness of industrial locations:
  - ❑ Conflicts appear limited; some locations limited by use/buffer proffers – particular uses best addressed through supplementary regs

#### Staff Proposal

- ❑ Office use directly associated with any industrial use located in the City of Charlottesville and Albemarle County by-right with no restriction [CURRENTLY ALLOWED BY-RIGHT]
- ❑ Accessory office use supporting an industrial use by-right at the same site - not to exceed 25% of the floor area of the industrial use; increase to 49% based on modification criteria [CURRENTLY ALLOWED BY-RIGHT]
- ❑ Stand-alone office uses by special use permit; grandfather existing offices with provision for expansion up to 25% of existing area [CURRENTLY ALLOWED BY-RIGHT]
- ❑ C-1, CO and HC uses by special use permit with criteria for convertibility, compatibility and potential to support industrial uses; includes indoor athletic facilities, kennels, veterinary hospitals and motorcycle and off-road vehicle sales [MOST NOT CURRENTLY ALLOWED]
- ❑ Supporting commercial uses by-right, not to exceed 25% of the floor area of the industrial use(s); increase to 49% based on modification criteria [CURRENTLY ALLOWED AT LOWER %]
- ❑ Area devoted to subordinate retail sales of an industrial product at the place where it is manufactured - 25% by-right; increase to 49% based on modification criteria [CURRENTLY ALLOWED AT LOWER %]
- ❑ By-right Light Industrial uses by special use permit in the C-1, CO and HC zoning districts [MOST NOT CURRENTLY ALLOWED]
- ❑ Multi-family residential by special use permit in the LI zoning district [NOT CURRENTLY ALLOWED]
- ❑ Generalized categories for by-right industrial uses – Manufacturing/Processing/Assembly/Fabrication/Recycling, Laboratories/Technology/R&D/Experimental Testing, Storage/Warehousing/Distribution/Transportation
- ❑ Specify industrial uses subject to special use permit or prohibited
- ❑ Supplementary regulations tied to certain industrial uses – impact to surrounding areas

#### Mitigating Impacts

- Staff's proposal permits greater flexibility, but also attempts to mitigate impacts where possible.
- Figure 1 of Attachment D in the staff report illustrates how the Zoning Ordinance regulates impacts from industrial uses:
  - Section 4 - - General Regulations
  - Section 26 - - General District Regulations
  - Section 27 and 28 - - Specific LI and HI District Regulations
  - Section 5 - - Supplemental Regulations

Section 4: General Regulations

- Applies to ALL uses
- Includes regulations for lighting, signs, parking
- Performance Standards

Section 26: General Industrial District Regulations

- Includes buffers, building height, setbacks for structures and parking
- Proposal would add provisions for outdoor activity and outdoor storage

Section 27: LI District Regulations

- Specifies uses permitted by-right and uses permitted by SP

Section 28: HI District Regulations

- Specifies uses permitted by-right and uses permitted by SP

Section 27: LI District Regulations

Section 5: Supplemental Regulations

Section 28: HI District Regulations

Section 5: Supplemental Regulations

Supplemental Regs – Slaughterhouse

- Maximum building size: 4,000 sq. ft.
- Minimum acreage: 3 acres.
- Minimum building and parking setbacks from residential or agricultural lots: 200 feet in the LI district, 150 feet in the HI district.
- Minimum building setback from a school: 1,000 feet
- Outdoor holding pens for animals is prohibited.
- The CER must include a detailed waste management plan that demonstrates waste shall only be disposed of in strict compliance with state and federal regulations.

Proposal Summary Table

	Current		Proposed	
	By-Right	Special Use	By-Right	Special Use
<b><u>Office in Industrial Districts</u></b>				
Associated with Industrial Use	✓		✓	
Supporting an Industrial Use	✓		✓ (≤ 25%, ≤ 49% with modification)	
Stand-alone Office Use	✓			✓
<b><u>Commercial in Industrial Districts</u></b>				
Subordinate Retail Sales	✓ (≤ 15%)		✓ (≤ 25%, ≤ 49% with modification)	
Supporting an Industrial Use	✓ (≤ 5%)		✓ (≤ 25%, ≤ 49% with modification)	
General Commercial Uses	Most Not Permitted			✓
<b><u>Residential in Industrial Districts</u></b>				
R-15	Not Permitted			✓
<b><u>Industrial in Commercial Districts</u></b>				
Light Industry Uses	Most Not Permitted			✓

Recommendation

- Staff recommends these changes be incorporated into appropriate ordinance language and set for public hearing

Public comment was taken from the following persons:

- Morgan Butler, representative for the Southern Environmental Law Center
- Valerie Long, attorney

**The Planning Commission held a discussion with staff, asked questions, took public comment, and provided comments. The Commission authorized these proposals be incorporated into appropriate ordinance language and ZTA-2010-00004 be set for public hearing with the following requested follow up:**

- Additional information on the target industries and their typologies.
- Additional feedback should be obtained with outreach through Ms. Stimart's office.
- Develop definitions that allow for clear understanding and administration of the ordinance provisions.

No formal action was taken.

**ZTA-2012-00009 Ministerial Review Process Improvements (site plans) –  
Work Session**

**ZTA-2012-00009 Ministerial Review Process Improvements (site plans)**

Changes to the ministerial review process (Bill Fritz)

Mr. Fritz summarized the executive summary for ZTA-2012-00009 Ministerial Review Process Improvements (site plans). The Planning Commission comments and concerns are shown in bold.

Staff considered all of the comments received and how potential changes would advance the goals set out by the Board of Supervisors. Staff has prepared new ordinance language that is intended to address the comments of the Board of Supervisors, Planning Commission, Architectural Review Board and the public. Staff has come up with some new concepts. The most significant changes are:

***1. Preapplication submittal with review in 10 days to determine main issues and required waivers***

This will allow applicants to quickly and easily identify major issues with a development proposal. This action should streamline the review process somewhat because formal applications, when made, will be more complete. This eliminates delays in the review process brought on by confusion over the request or lack of necessary information to review a proposal. Needed waivers will be identified along with the information that needs to be submitted and what the process will be. Most of those waivers now go to the Board of Supervisors. However, staff still needs to identify the sections.

***2. Allow the issuance of grading permits with the approval of the initial (preliminary) site plan***

Staff uses the term “initial” as opposed to “preliminary” because they are trying to emphasize that this is a different kind of plan. Allowing grading earlier is consistent with the current practice for subdivisions and planned developments. With the approval of the preliminary plat or with the approval of the application plan in a Planned Development by the Board of Supervisors the applicant can actually start grading. Construction of streets within a subdivision may occur currently after the approval of the preliminary plat and the road plans. Grading within planned developments may occur after the approval of an erosion and sediment control plan that is consistent with the application plan. Implementing this change will shorten the total time required to build out a development. This would allow some grading activity to occur before the final site plan was reviewed, but the initial plan would have to be approved.

***3. Establish clearer submittal requirements for the final site plan***

The current ordinance and review process does not provide clear guidance for the final site plan approval process. Implementing this change will reduce the burden on the applicant and shorten the time required for final site plan approval. The ordinance changes provide this new process in a very clear concise way.

***4. Allows for significant reduction in level of detail required for minor site plan amendments.***

This statement should not be taken to mean that they are lessening the standards. Minor changes to a site plan occur frequently. The proposed language allows the agent to reduce the level of detail required for a site plan amendment. Currently, a small change to a site plan affecting only a portion of the site still requires all the information for a full site plan showing the entire project. The proposed change will allow the revised site plan to focus only on the area of change and allow the agent to require sufficient information to review the change without requiring the submittal of information that is irrelevant to the proposal.

***5. Provides for a purely administrative review process.***

Items would no longer come to the Planning Commission. Site plan approvals would be done purely administratively. This was discussed with the Board of Supervisors and the Architectural Review Board on a couple of different occasions. The concept of administrative approval is incorporated into this text amendment. The only way a project would go beyond the administrative process is if it was denied or if it were approved with conditions objectionable to the applicant. The applicant could then appeal those decisions and the appeal process is spelled out in the ordinance.

With the exception of projects where waivers are requested the process will be administrative. This should allow for a reduction in the overall time required to process an application and reduces the Planning Commission workload. This will allow the Planning Commission to focus more on other issues such as additional text amendments, Comprehensive Plan, rezoning and special use permits. In particular staff believes that the additional time available to work on text amendments can be a great asset to the community as it will allow ordinances to be developed that reflect the level and quality of planning that the County desires.

By providing for a purely administrative process it will reduce the total number of submittals that need to be made by an applicant by one. The process staff envisions would be that the application is submitted and it goes to the site review meeting. At the site review committee it would be approved or denied.

**6. Incorporates the Architectural Review Board review earlier in the process.**

The Architectural Review Board is made a member of the site review committee. Comments from the Architectural Review Board are received early in the review process. By engaging the Architectural Review Board early in the process it is anticipated that this will reduce the number of site plan submissions that will have to be made and reduce re-engineering and redesign costs for applicants.

The Planning Commission provided the following concerns with the proposed amendment language:

- **At site review it is conceptual and the big picture in many cases. Concern with ARB review at this early stage and if they are going to start looking at building materials such as the color of bricks, etc.**
- **What kind of discretion does the ARB component of this now have at site plan level. Do they have the ability to say they don't like parking in this location or they want to see green spaces rearranged to be in these other places. Or, is it really just orientation of the building.**
- **Do they have the ability to say they don't like this site design or layout. It may meet all the other minimum standards of the ordinance, but the ARB does not like the way the spaces are arranged.**
- **Are they elevating ARB comments as a requirement now.**
- **If they allow early grading they need to have the availability of good quality control.**
- **Concerned by having the ARB so early in the process. If the criteria regarding the kinds of comments that are permissible are not particularly strict a Commissioner sees a situation where in their effort to try to reduce the Planning Commission work load they may in fact from the applicant's standpoint be moving the work load that used to be with the Planning Commission now over to the ARB. From the applicant's standpoint they still have to run the gauntlet through another body that is asking detailed pointed questions. It was going to be very important to look at the kind of criteria in terms of their responsibility and the kinds of questions and issues they can address.**
- **One Commissioner commented the proposal can improve the final product. However, there has to be some restraint in there to keep them in that box. Again, it has to be clear what a comment is and what is going to be a requirement.**

**7. Establish that any comment not responded to within 6 months deems the project withdrawn**

When revisions are received long after comments have been made considerable staff time is spent on refamiliarizing with the project. In addition, the project may need to essentially be re-reviewed in order to insure that no ordinance changes have occurred. In addition, only a minimal fee is required for re-activating a project. A process for applicants to request an extension to the 6 month time limit is established. Implementing this change will allow staff to be more efficient in reviewing projects.

- **Question asked if at the end of six months after the clock starts ticking if staff sends a registered letter saying the project has been withdrawn. Staff responded that no notice is sent informing the applicant that an application is about to expire. Staff will be working to include some type of notice in correspondence sent to the applicant with the comments. Currently, no notice is sent when projects are about to expire.**



**8. Improves organization which makes interpretation and administration easier for both applicants and staff.**

No significant effort has been made to reorganize the site plan ordinance since its original adoption in 1980. With changes in state law and piecemeal text amendments the organizational structure has become awkward and disjointed. The proposed changes to the ordinance provide for a more logical and easier to understand flow.

**9. Uses language similar to that contained in the Subdivision Ordinance.**

The language for: definitions, rules of construction, notice provisions, final submittal criteria, reservation and dedication of land, access for multiple units and access in event of storm, coordination of access, easements for storm water facilities, dedication of water and sewer facilities and other utilities, completion and bonding of improvements is made similar to that contained in the Subdivision Ordinance. Commonality in the two ordinances makes understanding the ordinances easier for applicants, public and staff and reduces inconsistencies in processes and administration and design.

**10. Updates language to match current state code language and court decisions.**

Variations and exceptions, period of validity, reservation of land are just some of the changes made. These changes are technical in nature and have no effect on how applications have or will be processed.

**11. Minor changes to fees.**

The fee provisions are modified only to reflect the new process. Two new terms are added to the fee schedule, preapplication plan and initial plan. References to preliminary plans are removed from the fee schedule. No change in the total fees for applicants. Only the titles change.

In preparing this text amendment staff attempted to *reduce plan content to the minimum necessary for review*. Limited reduction in plan content is possible for initial or final site plans. Significant reduction in plan content could, in staff opinion, result in a reduction in the quality of the resulting developments. However, staff has included for minor site plan amendments the ability to significantly reduce the plan content. This will make the preparation and review of minor site plans much easier for applicants, staff and interested public as the plans will now focus on the changes and additional information which sometimes has a cluttering effect can be removed. Staff wants to clearly note that the changes maintain *public notification of the Site Review Meeting and maintains the public's ability to provide comment on site plans*. Notification to adjacent owners currently occurs. Re-evaluating when these meetings occur (day or evening) and stressing that these meetings are an opportunity to talk to the applicant and County staff may serve to improve public input and allow developers to respond to public comments.

- **Question asked about notification for public of site review comments. Asked that advisory councils be in the loop to be notified.**

Mr. Fritz replied the public currently is notified of the site review meeting and that will stay the same. Abutting land owners will be notified. They will still be notified of the site review meeting and encouraged to share their concerns so staff can share the concerns with the applicant. Staff does that now and will continue to do that. There is no change in notification. Staff will administratively have to adjust when they do the site review committee meeting Right now the site review meeting is 24 days after submittal and they won't be able to keep that. They will have to adjust when they send the notices out. However, there is no change in doing it.

- **On page 55 it talks about streets and travel ways within the development. Suggested that it talk about bike lanes and the interconnectivity.**
- **A desirable asset of any community is their bike facilities. Suggested incorporating something about roadways or bike paths in our plans.**

There was no public comment.

**Action:** By a vote of (7:0) the Commission requested ZTA-2012-00009 Ministerial Review Process Improvements (site plans) be brought to public hearing as soon as possible with staff consideration of the Commission comments as noted below and outlined above in Attachment 2. (See minutes for details)

- Staff needs to take a good hard look at how they are going to control how deep the ARB goes into the initial look at this. The ARB does an excellent job of getting into detail, but they don't necessarily want it at this particular spot.