

FINAL ACTIONS
Planning Commission Meeting of June 26, 2012

<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 Calvin Morris, Chairman. • PC members present were Mr. Morris, Mr. Loach, Mr. Dotson, Mr. Randolph, Mr. Franco, Mr. Smith, and Mr. Lafferty. Ms. Monteith was present. • Staff present was Ron Lilley, Dan Eggleston, Amelia McCulley, Ron White, Elaine Echols, Andrew Sorrell, Margaret Maliszewski, Joanne Tu Purtsezova, Rebecca Ragsdale, Wayne Cilimberg, Summer Frederick with TJPDC, Sharon Taylor, and Greg Kamptner. 	
<p>2. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • None 	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • No action required
<p>3. <u>Consent Agenda</u></p> <p><u>Approval of Minutes:</u> March 20, 2012</p> <p>APPROVED CONSENT AGENDA, by a vote of 7:0.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Finalize Minutes & Obtain Signature
<p>4. <u>Regular Item</u></p> <p><u>SDP-2012-00015 Ivy Fire Station at Kirtley Warehouse – Minor</u> PROPOSAL: Parking space grade waiver associated with a request for a minor site plan amendment to convert the existing Kirtley Warehouse to a fire station. A critical slopes waiver (was approved at the May 2, 2012 Board of Supervisors meeting). Parking space grade waiver (is for grades greater than five percent in the parking area per Section 4.12.2(C)2 of the Zoning</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend denial of SDP-2012-00015 for the reasons stated in the staff report and outlined in Attachment 1. • The request will go before the Board of Supervisors on July 11.

<p>Ordinance ZONING: LI – Light Industrial – industrial, office, and limited commercial uses (no residential use) COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 1 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots) ENTRANCE CORRIDOR: Yes SECTION: 18-32 Site Plan; 18-27 Light Industry; 18-4.12.15C Maximum 5% Grade for Parking; 18-4.12.2(C)2; 18-1.4 Safety and Welfare LOCATION: 642 Kirtley Lane off of Ivy Rd. between the Volvo dealership and the Northridge medical complex TAX MAP/PARCEL: 05900-00-00-023B1 MAGISTERIAL DISTRICT: Samuel Miller (Joanne Tu Purtsezova)</p> <p>RECOMMENDED DENIAL OF PARKING SPACE GRADE WAIVER ASSOCIATED WITH SDP-2012-00015, by a vote of 5:2, (Smith, Franco voted nay) for the reasons stated in the staff report and outlined in Attachment 1.</p>	
<p>5. Work Session</p> <p><u>Off-Site Signs</u> Discussion of the criteria and reviewing process for applications for special use permits for off-site signs. (Amelia McCulley)</p> <p>The Commission held a work session to receive staff's presentation, take public comment, and comment on the information provided. Staff was asked to take the Commission's comments into</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • Refer to comments, suggestions and direction to staff noted in Attachment 2. • Staff to take comments into consideration, work on draft language and bring back to Planning Commission.

<p>consideration as noted in Attachment 2. No formal action taken.</p>	
<p>6. <u>Affordable Housing</u> As a follow-up to the March 20 report on affordable housing proffers, this work session includes responses to a number of questions from Planning Commissioners and a discussion of potential issues related to managing existing and crafting future proffers given significant changes in the housing development and financing markets. (Ron White)</p> <p>The Commission received information on Affordable Housing Proffers from the Director of Housing, Ron White. The Commission provided comments (noted in Attachment 3) and agreed to have Commissioners Franco and Randolph participate on a work group reviewing Affordable Housing policies. No formal action taken.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • Mr. White to send an electronic copy of the affordable housing proffers data to Mr. Cilimberg who will forward to Planning Commissioners. • A work group reviewing Affordable Housing policies is being formed to begin work in early July. Mr. White will notify Mr. Cilimberg and the two volunteers from the Planning Commission (Don Franco and Rick Randolph) of the meeting dates.
<p>The Planning Commission took a break at 8:03 p.m. and the meeting reconvened at 8:12 p.m.</p>	
<p>7. <u>Livability Project Goals</u> Topics for Joint Comprehensive Plan Goals: Historic Preservation, Entrance Corridors, and Environmental Resources. (Summer Frederick)</p> <p>Work session held on the above topics to obtain comments and suggestions on the public process for the Livability Project and Comp Plan updates. Public comment was taken. No formal action was taken. The comments and suggestions are outlined in Attachment 4.</p>	<p>Project staff to take comments and suggestions into consideration as outlined in Attachment 4. No formal action required.</p>
<p>8. Old Business</p> <ul style="list-style-type: none"> • None 	
<p>9. New Business</p> <ul style="list-style-type: none"> • No meeting on July 3, 2012. 	
<p>10. Adjourn to July 17, 2012, 6:00 p.m., Auditorium, Second Floor, County</p>	

<p>Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none">• The meeting was adjourned at 9:27 p.m.	
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Attachment 1 - SDP-2012-00015 Ivy Fire Station at Kirtley Warehouse – Minor – Planning Commission Action

Attachment 2 - Off-Site Signs Work Session – Planning Commission Comments

Attachment 3 - Affordable Housing Work Session – Planning Commission Comments

Attachment 4 - Livability Project Goals Work Session – Planning Commission Comments

ATTACHMENT 1
SDP-2012-00015 Ivy Fire Station at Kirtley Warehouse – Minor

The Planning Commission recommended denial of the parking space grade waiver associated with SDP-2012-00015, by a vote of 5:2, (Franco, Smith voted nay) based on the reasons stated in the staff report recommendation and outlined as follows:

FACTORS UNFAVORABLE:

1. Engineering recommends denial
2. A finding that the waiver would better serve public safety, health, and welfare cannot be made.
3. Public safety and property damage concerns, particularly in inclement weather.
4. A maximum parking space grade greater than 10% has never been approved.

ATTACHMENT 2

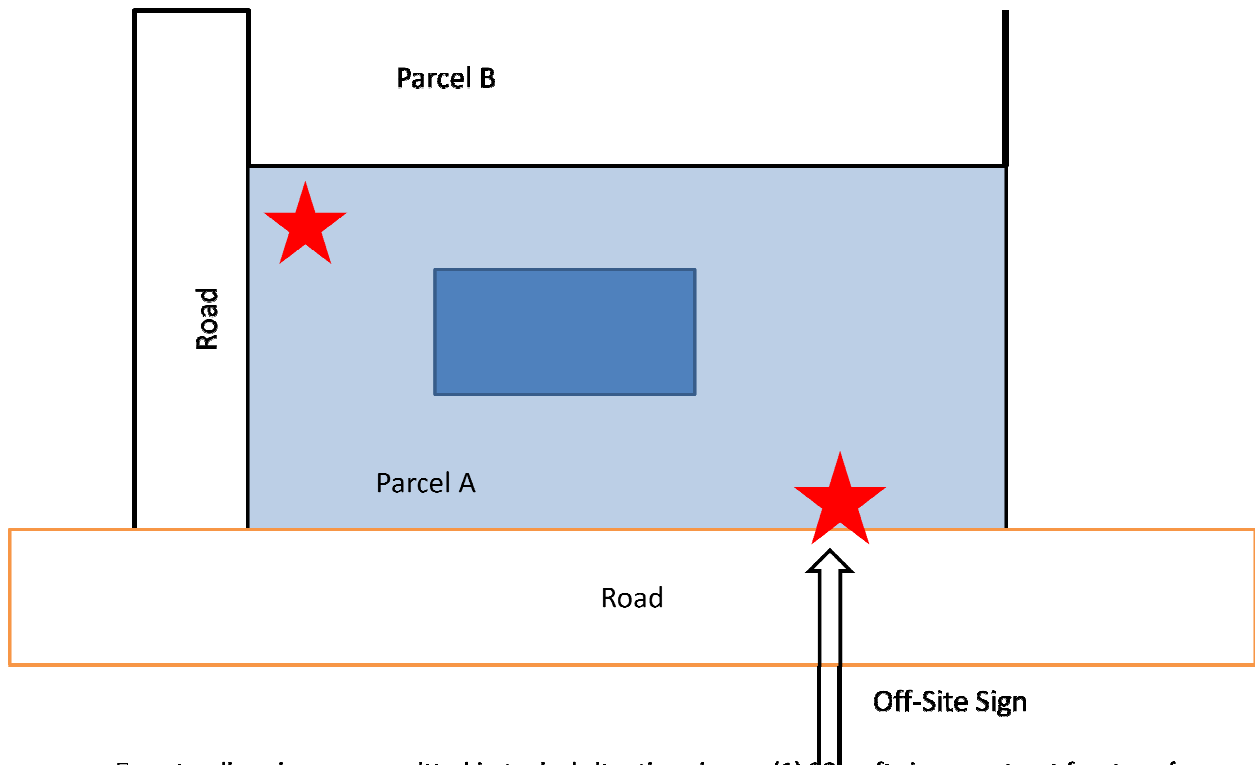
Off-Site Signs Work Session – Planning Commission Comments

The Planning Commission held a work session to set general direction on the following issues: Off-Site Signs - Discussion of the criteria and reviewing process for applications for special use permits for off-site signs. (Amelia McCulley)

Ms. McCulley, with the assistance of Steward Wright, presented a PowerPoint presentation entitled ZTA 2012 – 010 Off-Site Signs - Planning Commission Work Session

Background:

- ▶ Off-Site Signs: Signs that are not located on the same lot with the use to which the sign pertains.
- ▶ Most off-site signs are allowed only by Special Use Permit (SP), except political, subdivision or temporary signs, signs within planned developments or off-site agricultural product signs.
- ▶ Approval of an S.P. for an off-site sign does not allow an additional sign or additional sign area than is otherwise allowed for the property.



Freestanding signage permitted in typical situations is one (1) 32 sq ft sign per street frontage (can also be divided into two (2) signs not exceeding 16 sq ft each per entrance). Approval of a special use permit for an off-site sign to serve parcel B allows an off-site establishment to be listed on the signs allowed for parcel A. No additional signs or sign area is provided through the special permit.

Parcel A qualifies for two freestanding signs. With a special use permit, parcel B can use part or all of one of the signs allotted to parcel A. The S.P. does not authorize an additional sign or a larger sign. It is a very confusing concept.

Focused Discussion

1. Appropriate Qualifying **Criteria**;
2. **Location** from which the Sign should *Effectively Communicate Its Message*; and
3. The **Approving Body**

Background

- ▶ Off-site sign Special Use Permits are issued by the Board of Zoning Appeals (BZA).
- ▶ In addition to the general criteria applicable to an SP, current criterion require a finding that the off-site sign is necessary “because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation.” [Section 4.15.5 c1]

Off-site sign special use permits are one of only three types of special use permits (all for signs) that the BOS has delegated to the BZA. The current criterion for an off-site sign is problematic: an on-site sign would be ineffective to communicate its message off-site because of topo or vegetation.” Let’s talk further about appropriate criteria.

Qualifying Criteria

- ▶ Current ordinance language is overly limiting in several aspects:
 - a) justification is restricted to topography or vegetation and does not consider many other valid factors such as safety considerations; b) does not require applicant to exhaust other remedies such as using onsite signs, subdivision signs, VDOT signs, etc.; and c) treats all uses the same whether or not they have high public safety demands (such as a hospital or nursing home).

The current ordinance language limits the qualification for an off-site sign to two factors. This does not consider many other valid factors such as safety considerations. It also does not require the applicant to exhaust other remedies for signage. Nor does it distinguish between uses as qualifying for an off-site sign.

Qualifying Criteria

- a) Because many factors can impact the visibility of an on-site sign, staff recommends not limiting the factors *that are beyond the applicant’s control*.
- b) In addition, we recommend that the applicant exhaust other remedies before applying for an off-site sign.
- c) Finally, justification based on the type of use makes some sense but can be problematic.

Under (a), staff suggests that the qualifying factors should be those factors beyond the applicant’s control rather than something, such as location of the sign, that is within his/her control. As a practice, (b) makes sure the off-site sign may be the only remedy because other options are exhausted. Under c), a distinction based on the public safety needs associated with the use can get complicated if it goes beyond a hospital.

Location from which Sign should *Effectively Communicate its Message*

- ▶ This is probably the greatest point of debate. The Board recently confirmed the intent for off-site signage is not way-finding or marketing on major roadways. Current ordinance language simply requires the sign to be visible from other properties.
- ▶ Staff suggests that a sign should be visible from the primary access to the property because signs are oriented to motorists.

With the ROI for this ordinance amendment, the BOS confirmed staff's statement of intent that off-site signs are not intended for way-finding or marketing on high-volume roadways.

Staff discussed the Independence on Pantops, which was one of the applications that the BZA had for an off-site sign. The discussion was to illustrate how difficult it can be to try to figure out what is the point from which an on-site sign should be visible.

Location from which Sign should *Effectively Communicate its Message*

- ▶ If the subject property is located at the end of a road, an onsite sign at the primary access road serves limited purpose for directing traffic.
- ▶ To direct motorists, signage is helpful at major turning decisions but is not practical for every turn.

For your consideration

- ▶ Currently the Z.O. allows several types of signs which identify development with multiple establishments/tenants –residential subdivision signs, shopping center signs and planned development signs. The gap (and the SP for off-site sign) is for those establishments or tenants not located within a subdivision, shopping center or planned development.
- ▶ One option is to create a new freestanding sign type available by-right, "development sign." This is not an additional sign.
- ▶ The development sign must be located at the entrance to a road serving more than one parcel. The sign can list those tenants or businesses served by the access road. There would be very limited circumstances this would not serve and a special use permit would be necessary.

The Approving Body

- ▶ With a revised ordinance more clearly stating the intent and criteria for off-site signs, staff recommends that the BZA is the most appropriate approving body. We suggest that given the issue (an off-site sign shares onsite signage allowances), the review and timeline for a BZA application is more appropriate.

Questions or Comments

- ▶ Next step – draft ordinance language and set a public hearing with the Commission.

Staff requested input from the Commission on the three issues:

1. Appropriate Qualifying Criteria;

2. **Location** from which the Sign should *Effectively* Communicate Its Message;
and
3. The **Approving Body**

Public comment was taken from the following person:

Neil Williamson, with the Free Enterprise Forum, noted the peach signs in Crozet he followed to turn in to the location to purchase peaches. He wondered how that rural use of signage would fit because it certainly was not on-site. What is the goal of the off-site ordinance? What are they after? It seems like the idea of preferred uses challenges his way of thinking. There was a big discussion about not regulating content – he felt this needs to be about the signs and not about the content. When a business chooses their property for a hospital or other use the signage and visibility are part of their decision making. Should off-site signs have preferential treatment based on use? He tends to think not. He tends to think if they look at the ordinance as a mechanism to serve a purpose whether it is limiting the number with bundle signs or whatever it is, he thinks if the purpose is such that it is a uniform purpose the application should be uniform as well.

The Commission commented on the information provided as follows and asked staff to take these comments into consideration in the continuing work regarding on-site signs.

- 1- For an emergency situation for signage – such as a road closing more than 24 hours- they need to create a class of signage to allow a business to stay in operation. Staff noted that there is provision for temporary signage and VDOT signage that can deal with this situation.
- 2- Be sensitive to needs of businesses coming into the county to allow their business to be competitive.
- 3- Solicit other localities similar in size to see how they handle off-site signs. It would be helpful to get their information.
- 4- Consideration should be given to the bundling of signs in one location in RA.
- 5- Agreed with staff's recommendation that the approving body should continue to be BZA since the process would be more timely.
- 6- Requested staff to work on development sign to possibly do a definition and come back to the Commission with examples.
- 7- Look at comparables and precedents of other communities and to understand how VDOT works to narrow approach. They have not narrowed the options enough to really understand how to approach this. It seems that understanding how the VDOT system works in terms of those blue signs would be helpful.
- 8- Signage should be administratively approved by staff as much as possible.
- 9- If something is truly unique maybe a variance is appropriate unless there is something in the ordinance that says they can't vary that. Important that they were exhausting on-site remedies. The idea is appropriate. Supports the BZA or the staff, but not the Planning Commission and the Board making these decisions.
- 10-The idea of a development sign sounds like something one might call a sign planning program even outside of Planned Districts where a group of people

collaborate. One Commissioner called it a bundle sign. There was some support for bundle signs.

- 11-In our cell tower policy they were very careful to use the word visible. One Commissioner noted he gets a little nervous when they talk about effectively or ineffectively communicate since he did not know what that is. However, visible he did.
- 12-The extreme situation is that there are some businesses where it was assumed they pay less rent because they are on the back. One comment was the sign ordinance should not make those primary spaces as if they were up on the main drag.
- 13-Don't want a "South of the Border" proliferation of off-site signs.
- 14-The health, safety, and welfare of the people of Albemarle County give them some ability to prioritize signage.
- 15-One thing that is a little off the subject but in the report again is the lack of staff. This keeps coming up that Albemarle County does not have adequate staff to do all the things that they are asking them to do or they have to do in their normal routine. The Commissioner was not saying go out and hire somebody, but noted it keeps coming up and somehow the Board of Supervisors needs to take this into account.
- 16-There was some discussion about having signage up for vineyards sort of having it all the same. Staff noted there is a fairly new provision for off-site signs by-right for agricultural products. Suggestion made that county might want to come up with some uniform sign and rent space instead of raising taxes. For different businesses they could have a uniform sign.

No formal action was taken.

ATTACHMENT 3

Affordable Housing Work Session – Planning Commission Comments

The Planning Commission held a work session on affordable housing as a follow-up to the March 20 Planning Commission meeting. The work session included responses to a number of questions from Planning Commissioners and a discussion of potential issues related to managing existing and crafting future proffers given significant changes in the housing development and financing markets. A summary of the questions related to addressing the affordable housing needs, types of units that are being built under the proffers and if these are addressing the needs, process and procedures, financing, and other mechanisms was provided. Also included was some other issues of which he brought to the Commission in the brief time they had together back in March.

The following was initially noted by the Commission:

- What form should the proffers take?
- Should the proffers provide for actual housing units or monies in lieu of units?
- What is our goal with the affordable housing policy?
- Are there a lack of units now?

Public Comment was taken from the following persons:

- Neil Williamson, Free Enterprise Forum. He spoke to a concern that cost of cash proffers is paid by home buyers, but it does not always result in the production of new units as some of the cash is paid to rehabilitate existing housing stock. He felt that rehab is a great program, but proffer proceeds are the wrong bucket of money to help pay for it. He also expressed concern about the lack of deed restrictions or other mechanisms such as trust funds to assure that the value realized in the lower price of affordable housing for the initial buyer is passed on to subsequent owners of such housing.
- Jeff Werner, Piedmont Environmental Council. He spoke to the need for more facts, figures, and sincerity in the conversation about affordable housing and who pays for it. He offered that it is a shared responsibility for the whole community and all have to talk honestly about how the issue can be addressed.

The Commission noted the following:

- Concern about County accepting cash in lieu of affordable units in the 15 percent proffers money vs. units.
- Timeframe for people to have the opportunity to purchase proffered affordable units when made available. Look at programs that other localities have.
- Need to understand how many affordable units are needed on a yearly basis.
- Opportunity to exercise flexibility in moving from affordable units for purchase to affordable rental. Need to include the city in the discussion of demand and provision of affordable housing.

The following are to be done as follow up:

- Mr. White to send an electronic copy of the affordable housing proffers data to Mr. Cilimberg who will forward to Planning Commissioners.
- The Housing Committee has been disbanded. A work group reviewing Affordable Housing policies is being formed. Mr. White will notify Mr. Cilimberg and the two volunteers from the Planning Commission (Don Franco and Rick Randolph) of the meeting dates.

No formal action taken.

Attachment 4
Work Session – PC Comments
Livability Project Goals – Joint Comprehensive Plan Goals
Historic Preservation, Entrance Corridors, and Environmental Resources

The Planning Commission held a work session to set general direction on three of the identified topics identified both through the public workshops and at the last joint Planning Commission meeting with the City where the City and County could come up with language that would be reflective of each other in the individual comprehensive plans.

Summer Frederick, with Thomas Jefferson Planning District and Elaine Echols, County Principal Planner, presented a PowerPoint presentation on the three joint comp plan goals. Margaret Maliszewski, Design Planner, was present to answer questions. Each topic was discussed with the Commission with staff requesting feedback from the Planning Commission on the following questions.

The Planning Commission provided guidance and direction in response to staff's questions regarding Joint City/County Comprehensive Plan Goals regarding Historic Preservation, Entrance Corridors, and Environmental Resources as summarized below:

Historic Preservation:

Given the City and County's differing approaches to historic preservation, are there opportunities for the City and County to create joint goal statements related to Historic Preservation?

Historic Preservation Comments from PC

- There needs to be a map of places worth commemorating and remembering and seeing
- We should continue with voluntary efforts rather than adopting a historic landmark ordinance and using regulatory methods – except for Mr. Dotson. Mr. Dotson was not at the point of saying he had made up his mind that a strictly voluntary approach is the only thing they ought to talk about. He was open-minded at this point and did not know.
- We need to take advantage of historic tourism opportunities, need maps for City and County cultural and historic resources and landscapes.
- Maybe put world heritage sites, presidential houses on that map
- Perhaps provide a map of historic trails. It is about educational opportunities.
- Cultural landscape is important to preserve
- Staff potentially needs to map conservation easements also and archeology
- Mr. Franco: We need more measureable goals on conservation easements
- Mr. Randolph: we need an inventory of historic resources
- Ms. Monteith: the districts are a good way to go because the pressure to designate landmarks isn't so great
- We need to see minutes of each others' (City and County PC) meetings

- Staff should map historical markers Natural Resources and Cultural Assets – contains commitments – (don't forget these) when reducing bulk

Conclusion: The County and City should work together to create a map of environmental, cultural, and historic assets together for public to see and potential tourist benefit

Entrance Corridors:

Is having two different approaches to maintaining and enhancing the Entrance Corridors appropriate?

Are there opportunities for the City and County to develop joint goals related to Entrance Corridors?

Comments from PC

Mr. Dotson –

- ECs are the threads that tie us together
- How do we link environmental corridors with the City?
- Mr. Franco – Avon Street EC is a good example of land use changes and design changes between the City and County

Conclusion: Staff should compare the City guidelines to the County guidelines – are they similar? Are they different? If they are the same, perhaps write them similarly for ease of use in both localities

Environment:

- **Water Quality**
- **Air Quality**
- **Development Area Tree Coverage**

Environment:

Are there opportunities for the City and County to create joint goals to ensure high water quality within shared waterways?

Is a joint Comprehensive Plan goal related to air quality appropriate?

Is a Comprehensive Plan goal related to expanding and maintaining tree coverage in the Development Areas Appropriate?

Environmental Comments from PC

Environment – Water/Air/Tree Coverage

- Maybe we should have an affirmation from the City that we have a strong relationship
- Mr. Franco – what are the City standards for water protection? Are they different from ours? Are there joint City-County regional stormwater basins?

- Ms. Monteith – the upcoming TMDL (Total Maximum Daily Load) regulations proposed for the Chesapeake Bay communities are going to make them the same

Air Quality

- Check in with Steve Williams on thresholds before we have to address the solutions with regulatory measures
- Mr. Lafferty – to reduce pollution, limit the amount of driving and promote multi-modal transportation and the use of bicycles. He noted that the City has been more proactive because they own their own roads. In the County it is more difficult when the property rights go up to the center of the road to expand and put in bicycle lanes.

Conclusion: Get information on air pollution from Steve Williams before doing anything else related to air quality

Additional conclusion relating to environmental resources: The City and the County should affirm their relationship which benefits both localities.

No formal action was taken.

Public comment was taken from the following persons:

Tom Olivier, resident of the Samuel Miller District, a biologist, a representative of Albemarle County on the Thomas Jefferson Sustainability Council, a member of the County's Bio-Diversity Work Group and the County's Natural Heritage Committee

- Offered comments on the Natural Resource and Cultural Resource Chapter. This chapter was adopted in 1999 and it contains many of the county's key commitments to environmental protection. Many believe it is absolutely essential that the existing commitments in this chapter be preserved particularly as they reduce the text. He asked that they be very careful about that.
- Several aspects of the chapter need to be updated given its age. The Biodiversity Action Plan is called for in the Comp Plan. The Natural Heritage Committee is in fact the Biodiversity Committee called for in the Comp Plan that was created by the county in 2005. This is a standing committee and still exists today. The text calling for a Biodiversity Committee should be removed.
- The findings of the Biodiversity Work Group on the state of our biological resources and the strategies they have proposed should be incorporated into the updated plan.
- He supported Mr. Dotson's suggestion about the importance of keeping track and promoting easements because this is where our natural resources live.
- Suggested incorporating the recommendations of the Biodiversity Work Group into the recommendations.
- Urged the chapter consider the impact of human population growth on natural resources.

Jeff Werner, Piedmont Environmental Council

- Come together on walkability goals

- Water issue – The County shares a water front with the City at Pantops - Don't turn backs to the river
- Idea: City to contribute to stream buffer restoration in the County
- Historic preservation – Historic Districts are catalysts for conservation easements

Neil Williamson, Free Enterprise Forum,

- Strongly opposed to Historic Preservation Ordinance
- Joint EC standards for City & County – will take away the uniqueness of the each locality
- ECs too many, but it feels right the way the ECs are developed
- Recognition needed for contributions the County makes for the City
- Free Enterprise Forum: No population control
- Don't force agreement with the City if the different methodologies aren't harmful