

FINAL ACTIONS
Planning Commission Meeting of July 31, 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 Cal Morris, Chair. • PC members present were Mr. Morris, Mr. Loach, Mr. Randolph, Mr. Franco, Mr. Smith, Mr. Lafferty, and Mr. Dotson. Ms. Monteith was present. • Staff present was Scott Clark, Glenn Brooks, Claudette Grant, Sarah Baldwin, Amelia McCulley, Mark Graham, David Benish, Wayne Cilimberg, 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"> • Doug Arrington, of 1836 Fiddlestick Lane, spoke to the Comprehensive Plan. He did not oppose development, but would like to see the development on 5th Street done in a uniform convenient way in regards to traffic flow and community quality of life. The 5th Street/64 interchange was substandard particularly in the peak hours and the traffic backs up almost all the way to Bent Creek. There is a web site Kurumi.com/diamond/interchange that gives a brief explanation of the short falls of diamond interstate interchanges. • There is no way to gage if one is going from a one-story warehouse to a three-story office building. Built into the system there does not seem to be a way to gage what that percentage of additional square footage will be, 	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • No action required

i.e. traffic flow. It would be nice to have some sort of numbers on that.

- He understands the Southern Parkway and Sunset Fontaine have been taken off the MPO 20-Year list. It would be fair to the people south of 64 and east of 5th Street for that not to be represented on the comprehensive map. Concern with commercial build up on Avon Street. Finally, he would appreciate if the Commission would consider creating an escrow account for infrastructure for Neighborhoods 4 and 5 through the zoning processes.

Nancy Carpenter, Scottsville District resident, noted she had missed the prior meeting on Urban Agriculture and would like to make some comments.

- She was glad to read about the consideration being given to urban agriculture public policy in Albemarle County. Living in an apartment community in Neighborhood 4 of the urban development area. This policy should take into account the benefits in having this use in multi-family developments. Several positives would result from this type of policy: utilization of public property for gardening, the creation of an emergency food supply and addressing the needs of some citizens to live a simpler life.
- She was not in favor of allowing certain types of fowl or goats into an apartment/condo/townhouse development. However, she was in favor of allowing gardening in these areas. This activity

<p>promotes and develops neighbor connectivity. Also, from a rental business viewpoint, having policy that promotes gardening allows for increased retention of tenants. A stable tenant population increases the net operating income for landlords.</p> <ul style="list-style-type: none"> • She hoped that with each new residential request with multi-family structures, there would be a requirement to have a certain amount of ground that could be used as gardening space. 	
<p>3. <u>Consent Agenda</u> Approval of Minutes: May 8, 2012 & May 22, 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>Deferred Items</u></p> <p><u>SP-2010-00036 MonU Park (Signs # 49 & 52)</u> PROPOSED: Creation of an athletic club with 4 soccer fields and 96 parking spaces (changed from previous description of 7 soccer fields and 168 parking spaces) ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); FH Flood Hazard - Overlay to provide safety and protection from flooding; EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access SECTIONS: 10.2.2.4 Swim, golf, tennis or similar athletic facilities (reference 5.1.16) COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural,</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2010-00036 based on the findings of the staff report with the conditions outlined in the staff report as amended and shown in Attachment 1. • The request will go to the Board of Supervisors on a date to be determined.

<p>forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots) ENTRANCE CORRIDOR: Yes LOCATION: Southeast corner of US 29 and Polo Grounds Road (Route 643). TAX MAP/PARCEL: Tax Map 46 Parcel 18C MAGISTERIAL DISTRICT: Rivanna (Scott Clark) DEFERRED FROM THE JUNE 19, 2012 PLANNING COMMISSION MEETING</p> <ul style="list-style-type: none"> • RECOMMEND APPROVAL OF SP-2010-00036, by a vote of 6:1, (Morris nay) with the conditions recommended by staff as amended and shown in Attachment 1. 	
<p>5. <u>Public Hearing Items</u></p> <p><u>SP-2011-00011 Lewis Bridge over Doyles River (Signs # 92 & 95)</u> PROPOSAL: Bridge crossing for driveway, fill for abutments, under sections 30.3.03.2, 30.3.05.2.1, 30.3.05.2.2, 30.5.5.2d6 of zoning ordinance. ZONING: FH Flood Hazard - Overlay to provide safety and protection from flooding. RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources. Residential uses allowed at a density of 0.5 unit/acre in development lots. LOCATION: East side of Browns Gap Turnpike (Rt. 810) approximately 0.22 miles south of</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2011-00011 with the conditions outlined in the staff report as shown in Attachment 2. • The request will go to the Board of Supervisors on a date to be determined.

<p>Slam Gate Road (Rt. 673). TAX MAP/PARCEL: 02700-00-00-006B0 MAGISTERIAL DISTRICT: Whitehall (Glenn Brooks)</p> <p>RECOMMEND APPROVAL OF SP-2011-00011, by a vote of 7:0, with the conditions outlined in the staff report and shown in Attachment 2.</p>	
<p>The Planning Commission took a break at 7:19 p.m. and the meeting convened at 7:29 p.m.</p>	
<p>6. <u>SP-2012-00009 Southwood Boys & Girls Club Expansion (Signs # 84 & 85)</u> PROPOSAL: Request to allow the expansion of the existing Community Center on approximately 1 acre. No dwellings proposed. ZONING: R-2 which allows residential uses at a density of 2 units/acre. Section 14.2.2.1 Community Center. ENTRANCE CORRIDOR: Yes COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Development Area Neighborhood 5. LOCATION: Southwood Mobile Home Park. 387 Hickory Street. Northeast corner of the intersection of Hickory Street and Bitternut Lane. Hickory Street approximately 2,100 feet from the intersection of Old Lynchburg Road and Hickory Street. TAX MAP/PARCEL: 090A10000001D0 MAGISTERIAL DISTRICT: Scottsville</p> <ul style="list-style-type: none"> • RECOMMEND APPROVAL OF SP-2012-00009, by a vote of 6:0:1, (Franco abstain) subject to 	<p>Clerk:</p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2012-00009 with conditions as revised by staff as outlined in Attachment 3. • The request will go to the Board of Supervisors on a date to be determined.

<p>the conditions as revised by staff. as outlined in Attachment 3.</p>	
<p>7. <u>ZMA-2009-00001 5th Street-Avon Center (Signs # 2, 3 & 5)</u> PROPOSAL: To amend the proffers, application plan and development framework of approved rezoning ZMA-2006-00009, (changed to include application plan and development framework) which rezoned 81.94 acres? PD-SC - Planned Development Shopping Center zoning district allows shopping centers, retail sales and service uses; and residential by special use permit (15 units/acre). Approx. 470,000 sq. ft. of commercial uses proposed. PROFFERS: Yes EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service/Mixed Use-community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) Neighborhoods 4 & 5 ENTRANCE CORRIDOR: Yes LOCATION: Northeast intersection of Interstate 64 and Fifth Street Extended (Rt 631), bounded on the east by Avon Street Extended. Access is Bent Creek Road. TAX MAP/PARCEL: TMP076M10000002A0, 076M10000002B0, 076M10000004A, and 0770000000011E0 MAGISTERIAL DISTRICT: Scottsville (Claudette Grant)</p> <p style="text-align: center;">AND</p> <p><u>SP-2010-000003 5th Street - Avon Center - Parking Structure (Signs</u></p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of ZMA-2009-00001 based on the recommendations of staff that the outstanding issues related to the rezoning are addressed as outlined in Attachment 4. • Action Letter – Recommend approval of SP-2010—00003 for a parking structure consistent with the provisions of the Zoning Ordinance and Comprehensive Plan with the condition as shown in Attachment 4. • Action Letter – Recommend approval of the Special Exception for Critical Slopes. • ZMA-2009-00001, SP-2010-00003 and the special exception for critical slopes will go to the Board of Supervisors on a date to be determined.

2, 3 & 5)

PROPOSED: Parking Structure
ZONING CATEGORY/GENERAL
USAGE: PD-SC Planned
Development Shopping Center -
shopping centers, retail sales and
service uses; and residential by
special use permit (15 units/ acre)
SECTION: 25.2.2(3) Parking
Structure
COMPREHENSIVE PLAN LAND
USE/DENSITY: Community
Service/Mixed Use-community-scale
retail wholesale, business and
medical offices, mixed use core
communities and/or employment
services, and residential (6.01-34
units/acre) Neighborhoods 4 & 5
ENTRANCE CORRIDOR: Yes
LOCATION: Northeast intersection
of Interstate 64 and Fifth Street
Extended (Rt 631), bounded on the
east by Avon Street Extended.
Access is Bent Creek Road.
TAX MAP/PARCEL:
TMP076M10000002A0,
076M10000002B0, and
076M10000004A
MAGISTERIAL DISTRICT:
Scottsville
(Claudette Grant)

- **RECOMMEND APPROVAL OF ZMA-2009-00001**, by a vote of 7:0, based on the recommendations of staff, as amended, that the outstanding issues related to the rezoning are addressed as outlined in Attachment 4.
- **RECOMMENDED APPROVAL OF SP-2010-000003**, by a vote of 7:0, with the condition as shown in Attachment 4.
- **RECOMMEND APPROVAL OF**

<p>SPECIAL EXCEPTION TO DISTURB CRITICAL SLOPES, by a vote of 5:2. (Loach, Randolph voted nay)</p>	
<p>8. Old Business</p> <ul style="list-style-type: none"> • None 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> • None
<p>9. New Business</p> <ul style="list-style-type: none"> • <u>Resolution of Intent: Highway Commercial Wall Signs</u> - Rebecca Ragsdale ADOPTED RESOLUTION OF INTENT, by a vote of 7:0, for Highway Commercial Wall Signs as outlined in Attachment 5. • The next meeting will be held on August 7th. 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> • Action – Adopted resolution of Intent: Highway Commercial Wall Signs – Set public hearing for Planning Commission as soon as possible as outlined in Attachment 5.
<p>10. Adjourn to August 7, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:39 p.m. 	

- Attachment 1 – SP-2010-00036 MonU Park – Recommended Conditions of Approval
- Attachment 2 – SP-2011-00011 Lewis Bridge over Doyles River – Recommended Conditions of Approval
- Attachment 3 – SP-2012-00009 Southwood Boys & Girls Club Expansion – Recommended Conditions of Approval
- Attachment 4 - ZMA-2009-0001 5th Street-Avon Center - Planning Commission Recommendation; SP-2010-00003 5th Street-Avon Center – Parking Structure - Recommended Conditions of Approval; and Special Exception for Critical Slopes Waiver – Planning Commission Recommendation
- Attachment 5 - Adopted Resolution of Intent: Highway Commercial Wall Signs

ATTACHMENT 1
SP-2010-00036 MonU Park – Recommended Conditions of Approval

1. Development of the use shall be in general accord with the conceptual plan entitled “Concept Plan for Special Use Permit Application for MonU Park” prepared by Meridian Planning Group LLC, and dated 04-25-12.
 - a. To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:
 - i. Number of fields
 - ii. Number and location of parking spaces
 - iii. Absence of structures
 - b. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Games **and practice sessions** shall only be held during the months of March, April, May, June, September, October, and November. **In addition, during July and August, no games shall be held, but practice sessions solely for club members are permitted.** Portable toilets may only be on the site during these months. (Staff to work on language regarding portable toilets prior to Board meeting to clarify that portable toilets are permitted on site during all months when soccer activity is permitted.)
3. Hours of operation for events on Saturdays and Sundays shall be no earlier than 11:00 a.m. and no later than 6:00 p.m.
4. Hours of operation for events Monday through Friday shall be no earlier than 4:00 p.m. and no later than sunset.
5. No overnight parking shall be permitted on the site. The entrance to the property shall be closed by a locked gate when the fields are not in use.
6. No outdoor lighting shall be installed for this use.
7. No artificial irrigation shall be used or installed for the soccer fields.
8. There shall be no temporary or permanent amplified sound system permitted for this use.
9. No fill shall be placed within the portion of the property within the Flood Hazard Overlay District.
10. Upon termination of the soccer-field use, the surfacing of the driveway and parking area shall be removed and the previously-disturbed land surface shall be returned to vegetated cover or an unpaved accessway.
11. **A Phase I archaeological survey shall be completed for areas to be graded for this use, followed by appropriate mitigation measures as approved by the Planning Director, prior to issuance of a grading permit.**
12. Staff to develop (prior to the BoS meeting) a condition that will require an annual traffic management plan based on the scheduling of events on the site, to be approved by the Planning Director before soccer activity can begin each year.

ATTACHMENT 2
SP-2011-00011 Lewis Bridge over Doyles River
Recommended Conditions of Approval

1. The applicant shall obtain approval from FEMA for changes to the floodplain, and update the FEMA maps. This shall include FEMA's conditional approval prior to the start of construction.
2. The applicant shall obtain County Engineer approval of plans for the bridges and abutments prior to the start of construction.
3. The applicant shall obtain Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements prior to the start of construction, regardless of whether the project exceeds the minimum disturbance limits.
4. The applicant shall obtain all necessary federal and state agency approvals prior to the start of construction (Army Corps of Engineers, Department of Environmental Quality, etc.).
5. The applicant shall obtain Program Authority approval of a mitigation plan prior to the start of construction, and provide mitigation according to the Water Protection Ordinance.

ATTACHMENT 3
SP-2012-00009 Southwood Boys & Girls Club Expansion
Recommended Conditions of Approval

1. Development shall be in general accord with the concept plan titled Southwood Boys and Girls Club Expansion, dated April 13, 2012 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, the proposed building and existing building renovation and use shall reflect the following major elements within the site essential to the design of the site, as shown on the Concept Plan:
 - Location of buildings, uses, and structures, inclusive of the minimum setback for the new structure from Bitternut Lane must be 15 feet.
 - Location of parking areas
 - Location of outdoor play area

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and

2. The parking study is based on a maximum of 120 children. There shall be no more than 120 children at any one time served at this location of the Boys and Girls Club.

ATTACHMENT 4

ZMA-2009-00001 5th Street-Avon Center & SP-2010-000003 5th Street - Avon Center - Parking Structure Recommended Conditions of Approval

By a vote of 7:0, the Planning Commission recommends approval of ZMA-2009-00001, 5th Street-Avon Center based on the recommendation of staff, as amended, that the following outstanding issues related to the rezoning are addressed prior to the Board approval.

1. The outstanding technical issues with proffers are fixed.
2. Stormwater/BMP facilities that are shown in the floodplain on the application plan are removed from the floodplain.
3. Development Framework is revised to not include items that are already applicable per the Zoning Ordinance.
4. Landfill remediation commitment is made as recommended by Zoning staff.
5. Additional funding is committed to adequately cover the anticipated cost of the Willoughby pedestrian bridge and trail.

Note: With the amendment made by the applicant to change the proffer amount to \$100,000 for the connection to Willoughby with staff working out the proffer language. It is recognized that staff's recommendations will also trigger revisions in the proffers.

By a vote of 7:0, the Planning Commission finds the special use permit request (SP-2010-00003, 5th Street – Avon Center – Parking Structure consistent with the provisions of the Zoning Ordinance and the Comprehensive Plan and recommends approval of SP-2010-00003 with the following condition:

1. The special use permit approval shall not expire but shall remain in effect so long as the approval of ZMA 200900001 remains in effect.

By a vote of 5:2 (Loach and Randolph voted nay), the Commission recommends approval of the special exception for a critical slopes waiver.

Attachment 5
Adopted Resolution of Intent: Highway Commercial Wall Signs

ATTACHMENT A (Executive Summary)

RESOLUTION OF INTENT

WHEREAS, Ordinance No. 12-18(2), adopted March 14, 2012, amended the Albemarle County Zoning Ordinance to, among other things, have signs in the Highway Commercial zoning district subject to the regulations in County Code § 18-4.15.12, which also pertains to signs in the Commercial and Commercial Office zoning districts, instead of County Code § 18-4.15.13, which also pertains to signs in the Planned Development Shopping Center and Planned Development Mixed Commercial zoning districts; and

WHEREAS, County Code § 18-4.15.13 allows wall signs of up to 200 square feet in area and County Code § 18-4.15.12 allows wall signs of up to 100 square feet in area; and

WHEREAS, it may be desirable to allow wall signs in the Highway Commercial zoning district to have wall signs of up to 200 square feet in area, as was previously allowed when signs in the Highway Commercial zoning district were subject to County Code § 18-4.15.13.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending County Code § 18-4.15.12, Regulations Applicable to Signs in the C-1, CO and HC Zoning Districts, to allow wall signs in the Highway Commercial zoning district of up to 200 square feet in area, and amending any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.