### AGENDA ITEM/ACTION

#### 1. Call to Order.
- Meeting was called to order at 6:00 p.m. by Mr. Loach. PC members present were Mr. Morris, Mr. Loach, Chairman; Ms. Porterfield, Mr. Franco, Mr. Lafferty, and Mr. Smith. Absent was Mr. Zobrist, Vice Chair. Ms. Monteith was present.
- Staff present were Amelia McCulley, J.T. Newberry, Susan Stimart, Bill Letteri, Wayne Cilimberg, Joan McDowell, David Benish, Sharon Taylor, Mark Graham, and Greg Kamptner.

#### 2. From the Public: Matters Not Listed for Public Hearing on the Agenda.
- None

- No action required.

#### 4. Consent Agenda

**Batesville District Review**
Review of the Batesville Agricultural and Forestal District: Periodic (10-year) review of the Batesville Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as Tax map 70, parcels 40, 40A; tax map 71, parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I; tax map 84, parcels 35A, 69; tax map 85, parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31; tax map 85, parcel 21. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Eryn Brenan)

**TAKE ACTION TO FORWARD TO THE AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE.**

**APPROVED CONSENT AGENDA,** by a vote of 6:0.

#### 5. Work Session:

**Capital Improvements Plan Presentation**
- FY 11-15 Capital Improvements Program & FY 16-20 Capital Needs Assessment:

**Clerk:**
- No Action Necessary
Bill Letteri, Director of Facilities Development, presented a Power-Po

ing presentation to explain the Oversight’s Committee recommendations for this year's CIP. No formal action taken.

6. **Farm/Wayside Stands**

The Planning Commission held a work session. The Commission took public comment, asked questions and provided direction on the listed items as noted in Attachment 1. The Commission directed staff that once the amendment is drafted to schedule a public hearing incorporating their recommendations.

**Staff:**
- Staff will proceed to a public hearing once the ordinance language is drafted incorporating their direction as noted in Attachment 1.

7. **Monticello Historic District**
Proposed amendments to the Section 11 Monticello Historic District of the Albemarle Zoning Ordinance (Joan McDowell)

A work session was held to discuss the issues related to the proposed amendments to the Monticello Historic District. The Commission received a presentation from staff and the applicant, took public comment, asked questions and provided direction on the questions posed by staff as noted in Attachment 2. No formal action was taken.

**Staff:**
- **Action Letter** – Staff to work with applicant to address concerns and questions (Attachment 2 – Planning Commission Comments)

8. **Light Industrial Land Assessment (Informational)**
Survey research of the County’s current and future inventory of industrial land inventory (Susan Stimart)

The Commission held a work session to receive a presentation from staff on the Light Industrial Land Assessment. The Commission asked questions, took public comment and made comments. No formal action was taken.

**Staff:**
- Staff to make presentation to Board of Supervisors on February 3.
9. **Old Business**  
   - None

   **Secretary:**  
   - None

10. **New Business**  
    - No PC Meeting on January 26, 2010

11. **Adjourn to February 2, 2010, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.**  
    - The meeting was adjourned at 10:04 p.m.

Attachment 1 – Farm/Wayside Stand Planning Commission Comments  
Attachment 2 – Monticello Historic District Amendment – Planning Commission Comments
ATTACHMENT 1

Farm/Wayside Stands

A work session was held to review the new provision for the sale of locally grown agricultural produce and merchandise. The Planning Commission responded to staff’s focus questions regarding Farm/Wayside Stands, as follows:

- **Review/Approval Process:** In terms of the review and approval process, the consensus was to provide for notice to neighbors to let them be informed about the application; and once the determination of approval is made, to let the neighbors chose to appeal it to the Board of Zoning Appeals.
- **Subordinate Items for Sale:** In terms of subordinate items for sale, to go beyond and allow jewelry sales and things like that they would have to do that separately with amending the resolution of intent, which is strictly worded to support agricultural products. Staff would like to move forward with the current recommendation to see how that goes. It could possibly be broadened in the future. Mr. Franco’s suggestion was that if the definition is clear enough in terms of what items are allowed and it is subordinate, then they should go with that and not worry about floor area and things like that.
- **Technical requirements – Access Road and Parking Spaces:** It was the consensus of the Commission that the setback reduction is allowed with adjacent owner consent. The performance-based requirements are to be recommended as staff proposed. If there is an issue, then it will be addressed later.
- **Off-Site signage:** The Commission agreed with staff’s recommendation that agricultural product signs be allowed off-site and by right for Farm Stands and Farm Sales. The Commission raised the question about temporary signs, which was not addressed and should be incorporated in staff’s future work on signs.
- **Farmer’s Market – Add Heavy Industry as a district.**
- **Utilize recommendation from speaker that a Certificate of County approval sign/sticker/or the like be displayed to indicate that the farm/wayside stand has been approved by the County.**
- **In response to a question on the farmer’s market limitation on new structures, the Planning Commission agreed with Mr. Kamptner’s suggestion that new structures be only limited in the rural areas and not in the development areas such as the Neighborhood Model District or commercial districts.**
- **Confirm with the Health Department their ability to monitor prepared food items for sale at the farm/wayside stands.**

Staff will draft the ordinance language and proceed to a public hearing possibly on April 7 with a Zoning Ordinance Amendment incorporating their direction.
Monticello Historic District Work Session
Proposed amendments to the Section 11 Monticello Historic District of the Albemarle Zoning Ordinance

The Planning Commission provided guidance for the applicant’s next submittal and responded to the questions posed in the staff report, as follows:

1. **Issue / Question:** Conformity with the Comprehensive Plan.
   Are the proposed amendments to allow the facilities to be used for public and private events and the removal of restrictions regarding the number of units to be occupied by people that are not Jefferson scholars in the lodging consistent with the Comprehensive Plan?

   **Discussion:** The establishment of the MHD and subsequent addition of Montalto to the District was determined to be consistent with the Guiding Principles of the Comprehensive Plan. Additionally, the preservation of the historically significant structures met the Historic Preservation Plan’s objective to pursue additional protective measures and incentives to preserve Albemarle’s historic and archaeological resources or to foster pride in the County and maintain the County’s character. The Natural Resources and Cultural Assets Component of the Comprehensive Plan identified both Monticello and Montalto as mountain resources in the Mountain Protection Plan. With the approval of a proffer to arrange or shield lighting away from abutting properties, the MHD became consistent with the goal of the Dark Sky component to protect the dark sky of Albemarle County.

   The proposed application, ZTA 200900016, has been reviewed to determine its consistency with the Comprehensive Plan:

   **Rural Areas Section** –

   The Guiding Principles for the Rural Areas includes a goal to preserve and manage the County’s rural scenic resources as being essential to the County’s character, economic vitality and quality of life. Further the Guiding Principles include a goal to protect the Rural Areas’ historic archaeological and cultural resources.

   Staff’s concern is that there would be no limit on the number of events or the number of attendees and repeated, large-scale events could negatively impact the historic property – both the buildings and the grounds. Accommodations for events could include large tents or multiple tents that would be visible to surrounding areas.

   **Natural Resources and Cultural Assets Section** –

   The Open Space Plan and the Mountain Protection Plan have identified both Monticello and Montalto as mountain resources. In addition, the Historic Resources section identifies Monticello as a resource from the Early National Period (1789-1830). Provisions to protect Monticello’s viewshed are goals of the Historic Resources section.

   Staff’s concern is that parking for events exceeding the paved spaces provided would be accommodated on grassy areas. Access over unpaved areas to Carter’s Mountain in order to create one-way egress for large events, as was the case for the Heritage Harvest Festival’s estimated 1,100 vehicles at Montalto in September 2009, could also cause land disturbances.

   The Scenic Resources section has designated Route 53 as an Entrance Corridor. The proposed uses should not require additional permanent structures to accommodate attendees.

   Staff’s concern is that temporary structures and additional parking areas, as well as additional lighting for parking and events, may be visible from the Entrance Corridor.
The Land Use Plan –

The Transportation component Land Use Plan designates Route 53 as a primary road, designed for the purpose of moving traffic and not necessarily designed to provide access to properties.

Staff's concern is that an unlimited number of events and the unlimited number of attendees have the potential of adding an undetermined amount of traffic to rural roads.

Economic Development Policy –

Objective 1, Strategy 3 of the policy says, “Increase the promotion of tourism focused on the rural, agrarian and historical resources of the County, and which does not threaten or compromise those resources and to be consistent with the goals of the Comprehensive Plan.” Staff believes that the proposed broadening of allowed activities in the MHD can be supportive of this strategy if other Comprehensive Plan concerns are properly addressed.

Staff Recommendation: The potential for impacts from large-scale and frequent events and the number of events should have in-depth review. A requirement for a special use permit for events over a certain number of attendees and more than what is allowed for other uses in the Rural Areas, such as wineries, may be appropriate.

Staff recommends that a more in-depth review of potential traffic issues is necessary and that it be examined through a traffic study as recommended by VDOT.

The Planning Commission agreed with staff that the proposal does not meet the Comprehensive Plan or the Intent and Purpose of the Monticello Historic District and these need to be changed. VDOT’s request for the traffic study is appropriate to help determine thresholds. At the very least, a special use permit should be required for events over a certain amount of attendees in a season or per year. The Planning Commission asked staff to go back and evaluate the thresholds from all aspects, due their concern with the overall cumulative impact to public roads.

The Commission would like for staff, along with the applicant, to evaluate some thresholds by which there could be an acceptance of by-right activity and when there is a threshold of discretion, be it through supplementary regulations or standards or a special use permit. There are some thresholds that they would like a little bit more discretion of evaluating whether the threshold is appropriate or not. They need to continue to work with that and evaluate the implications of the traffic study as it relates to determining those thresholds.

2. Issue / Question: Usual and customary

Are the proposed uses typical for this type of unique property? This approach has been used in Virginia with farm wineries. An appropriate test would be whether or not the uses they propose are usual and customary for such unique properties either as primary uses or subordinate and incidental uses. Reasoning for this might be based on those uses that have been typical to other like and unique properties in other places.

Discussion: The applicant has provided examples of other properties that permit both private and public events that supplement the primary purpose of the property (Attachment A). Some of the examples, such as Mount Vernon and Montpelier, provide more equal comparisons than others, such as the Library of Congress. In reviewing these examples as well as other examples found through additional research, many sites have supplemented their income by renting the facilities for events not related to the primary purpose of the site.

As Monticello has been designated a World Heritage site, staff reviewed other World Heritage sites in the United States (Attachment D). Many of the World Heritage sites are open for visitors and have accommodations for special events, such as weddings, meetings and parties.
**Staff Recommendation:** Staff believes that many other sites similar to Monticello and Montalto have events that supplement their primary purpose. However since Monticello and Montalto are located in the Rural Areas, size and number of events should remain important considerations as to their impacts.

The Planning Commission agreed with staff that the proposal does not meet the Comprehensive Plan or the Intent and Purpose of the Monticello Historic District and needs to be changed. The Planning Commission agreed with staff’s concerns about the number and size of events. The list of uses needs to be flushed out. A suggestion was made to review the uses requested with those uses allowed for a farm winery.

3. **Issue / Questions:** Impacts on the area
VDOT indicates that a 529 study is needed for this amendment (Attachment C). Should part of the determination of what uses should be added to the district and their size, number and/or frequency be based on the results of such a study? Are there other analyses that are needed?

**Discussion:** As discussed above, staff is concerned that the frequency and number of attendees at the events warrants further consideration. Impacts based on the results of the traffic study would aid in determining the type of review that should be required.

**Staff Recommendation:** Staff recommends that a 529 study be required, in order to determine the appropriate size, number and frequency of events. Other impacts may be determined as a result of the traffic study.

The Planning Commission asked staff to go back and evaluate the threshold from all aspects due to their concern with the overall cumulative impact to public roads. At the very least, a special use permit should be required for events over a certain amount of attendees in a season or per year.

4. **Issue / Questions:** Consistency with the Intent and Purpose of the Monticello Historic District
As was the case with the ZTA 200700006, the zoning text amendment that allowed Montalto to be added into the MHD, is this proposal consistent with the adopted intent and purpose of the District? If the additional uses are appropriate to add to the District, should the purpose and intent be expanded to address the proposal?

**Discussion.** The intent of the District (copied below) linked all uses allowed in the District to the preservation of the historic house, preservation of Jefferson’s lands, and furthering the education of Jefferson and Jefferson era history.

The Planning Commission agreed with staff that the proposal does not meet the Comprehensive Plan or the Intent and Purpose of the Monticello Historic District and needs to be changed.

**Public comment was received from the following person:**

Neil Williamson, of Free Enterprise Forum, suggested that they come up with a nexus regarding the frequency of events.