

**Albemarle County Planning Commission  
Final Minutes August 22, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, August 22, 2023, at 6:00 p.m.

Members attending were: Corey Clayborne, Chair; Fred Missel, Vice-Chair; Julian Bivins; Luis Carrazana; Karen Firehock; Nathan Moore; Lonnie Murray.

Members absent: None.

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Ms. Shaffer stated that she would be back in person in a couple of months.

Mr. Clayborne said that it was great to hear, and they looked forward to seeing her.

**Other Matters Not Listed on the Agenda**

Mr. Tom Olivier stated that he was a resident of the Samuel Miller District. He said that he had come this evening to comment on the importance of addressing limits in the comprehensive plan update. He said that the basics were simple. The earth was finite, and being mammals, they required biological and physical inputs for their sustenance, and limits existed to their presence on earth. He said that in recent centuries, technological advances had allowed them to expand their presence, and of course technology had not erased earthly limits, it had simply allowed them to claim more of the planetary pie.

Mr. Olivier said that in 1972, the Club of Rome published a report titled "The Limits to Growth," and the reports presented findings of a model of the world built by scientists using system dynamics and computer simulations. He said that the model explored interactions of population, natural resources, industrial and agricultural production, and pollution. He said that the modeling showed that growth could not continue indefinitely, and if they did not change their ways, ecological crises and a collapse of society, likely in the 21<sup>st</sup> century, would take place.

Mr. Olivier said that the report warned 50 years ago that entirely new approaches were required to redirect society toward goals of equilibrium rather than growth. He said that the limits of growth had stood the test of time, and indeed local computer models drawn on reports of the Intergovernmental Panel on Climate Change made clear that they now had scant time left to reduce their impacts on the planet and to reduce their planet's ecosystems.

Mr. Olivier said that as someone who trained and worked as a life scientist, he was perplexed and dismayed by the lack of acknowledgement in the comprehensive plan update of the extent of ecological crises now, the need to protect natural systems, and the need to live within ecological

limits. He said that for example, at the Planning Commission work session last week, why were there not toolkits for natural resource conservation and climate action. He asked if they were still so mired in magical thinking about the feasibility of endless growth that they were unwilling to face the limits of growth and address ecological crises in this comprehensive plan.

### **Consent Agenda**

Mr. Clayborne said that he noticed the agenda he was provided had Item B removed, which was the VA202300003 3676 Twin Creek Road. He said that he wanted to make sure the agenda they approved was correct.

Mr. McDermott apologized and said that the printed version was not the online version, but he understood that these copies were the only ones available in this room, but the online version was what was included.

Mr. Clayborne asked if the online version was the correct one.

Mr. McDermott said yes.

Mr. Clayborne asked if there was a motion to adopt the consent agenda as presented.

Mr. Bivins motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Missel. The motion passed unanimously (7-0).

### **Public Hearings**

#### **ZTA202300005 Countywide Certificate of Appropriateness**

Ms. Margaret Maliszewski, Planning Manager, stated that she did not often present to the Commission and spent most of her time with the Architectural Review Board working with entrance corridors. She said that tonight, she was going to present to the Planning Commission an entrance corridor-related zoning text amendment. She said that entrance corridors were first established in Albemarle County in 1990, were defined as streets that ran to or through historic areas of the County and the City and were established to help ensure that the character of new development was consistent with the historic character of the County. She said that that was done by establishing an Architectural Review Board that applied design guidelines to the review of new development in the corridors.

Ms. Maliszewski said that any development that fell within the entrance corridor overlay and required a site plan or a site plan amendment or a building permit required approval from the ARB. She said that that approval was called a Certificate of Appropriateness. She said that when entrance corridors were first established and for many years thereafter, every application that fell into those categories was presented to the ARB in an ARB meeting. She said that in 2009, they took steps to streamline that process, and in 2010, the Board of Supervisors approved a ZTA that established a new class of Certificate of Appropriateness, which was called a Countywide Certificate of Appropriateness.

Ms. Maliszewski said that the process was streamlined by making 11 types of development available for staff-level entrance corridor review. She said that those 11 categories were types of development that were relatively small in scope or that were expected to have lesser visual impact

on the entrance corridor streets. She said that for each category of Countywide certificate, the ordinance required the ARB to first establish design criteria that would be used for the review of the subsequent Countywide applications. She said that the ARB established the design criteria and then staff reviewed individual proposals against those criteria.

Ms. Maliszewski said that in 2021, a 12<sup>th</sup> category was added to the list, done as part of the ZTA to establish the Rio 29 form-based code. She said that that streamlined staff-level review was available for form-based code development proposals that also fell within the entrance corridor overlay. She said that tonight's proposal was to add another category to the list of Countywide certificates, which would be for sites subject to a public-private partnership agreement executed by the County of Albemarle. She said that adoption of the ZTA would allow for streamlined entrance corridor review of any development subject to such an agreement.

Ms. Maliszewski said that in the staff report it could be seen that the ZTA had been reviewed for all of the typical factors that the Board wanted to be considered for a ZTA, and in most cases, the addition of this category of Countywide certificate had no direct impact on those factors. She said that those factors would have already been evaluated at the time the Board considered establishing the partnership. She said that before the Planning Commission tonight was a request to make a recommendation to make an addition of the one line of text highlighted on the slide, adding that to the entrance corridor overlay section of the code to allow for more efficient review of development proposals on properties subject to public-private partnership agreements that had been executed by the County.

Ms. Firehock clarified that this was not giving a blank check for the use at a particular location, but simply was for the design criteria that would apply to that already-approved use in whatever that location was.

Ms. Maliszewski said that was correct.

Mr. Missel asked if staff determined that the item needed to come before the ARB, they could still do that as a part of this process.

Ms. Maliszewski said that was correct.

Mr. Missel commented that as having been a part of the ARB, he found the Countywide Certificates of Appropriateness very helpful in terms of streamlining the process, so he definitely supported this.

Mr. Clayborne opened the public hearing.

Mr. Clayborne asked if there was anyone present who would like to speak on the item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said there were none.

Mr. Missel moved that the Planning Commission recommend approval of ZTA202300005 Countywide Certificate of Appropriateness. Mr. Murray seconded the motion, which carried unanimously (7-0).

## Adjournment

At 9:00 p.m., the Commission adjourned to September 12, 2023, Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium.



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Kevin McDermott, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 09/12/2023
Initials: CSS