

COUNTY OF ALBEMARLE

STAFF REPORT

AGENDA TITLE: ZTA 2016-3 Farm Winery, Brewery and Distillery Events	AGENDA DATE: September 13, 2016
SUBJECT/PROPOSAL/REQUEST: Work Session on Farm Winery, Brewery and Distillery Events Zoning Text Amendment	ACTION: X INFORMATION:
STAFF CONTACT(S): Amanda Burbage, Amelia McCulley, Greg Kamptner, John Blair, Scott Clark, Francis McCall	CONSENT AGENDA: ACTION: INFORMATION:
	ATTACHMENTS: Yes

BACKGROUND:

Over the past three years, changes to the Virginia State Code have prompted the Board to amend the County's regulation of activities and events at farm wineries, breweries and distilleries (FWBDs), most recently amending the Zoning Ordinance on December 9, 2015 to add regulations for farm distilleries that parallel those for farm wineries and farm breweries. While the County's regulations attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, a growing interest in holding events in the Rural Areas coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control ("ABC") license has raised concern about the potential for FWBDs to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State's zoning laws, the Rural Area chapter of the County's Comprehensive Plan, and the express purposes of the Rural Areas zoning district.

On March 2, 2016, the Board adopted a Resolution of Intent directing staff to work on a zoning text amendment to strengthen the requisite relationship between activities and events at FWBDs and their agricultural nature and to further evaluate the potential impacts associated with these events (Attachment B). In April and May, the County hosted four stakeholder roundtables with farm breweries, farm distilleries, farm wineries, farm cideries, and Rural Area neighbors to gather input related to issues associated with FWBD events.

On June 14, the Planning Commission held a joint work session with the Board of Supervisors to provide direction to staff on three key issues that were the focus of discussion at the stakeholder roundtables: Establishing a primary agricultural use for event eligibility, Mitigating event impacts, and Grandfathering of existing farm wineries, farm breweries, and farm distilleries. The issues for discussion and the Commission and Board's direction to staff can be found in Attachments C, D and E.

In response to the Commission and Board's request that staff seek additional input from Rural Area residents, an online survey was created and circulated via A-mail and social media (Attachment F). Over 250 individuals completed the survey, 85% of whom reported that they lived near a farm winery, farm brewery or farm distillery. In addition to the survey, staff met with the local Chamber of Commerce Agribusiness Roundtable and two area Ruritans Clubs to discuss event impacts and the County's proposed ordinance amendments to address them. While many of the issues that came up in the roundtables were reiterated in the survey responses, a number of additional regulatory issues came up that staff believes warrant consideration by the Planning Commission for potential inclusion in the ordinance amendment. These items are outlined in the Discussion section below.

STRATEGIC PLAN:

Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals.

Rural Areas: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

DISCUSSION:

Taking into consideration feedback from the last work session, staff has developed the draft ordinance found in Attachment A and summarized in the following table:

	CURRENT	PROPOSED			
	Farm Wineries, Breweries & Distilleries (FWBDs)	Farm Wineries	Farm Breweries	Farm Distilleries	Grandfather Existing FWBDs
To Establish Events Eligibility:					
Minimum On-site Planted Acreage*	None	5 acres	5 acres	5 acres	Yes
On-site Fermenting & Bottling	None	Yes	Fermenting only	Yes	Yes
Tasting Room with Regular Hours	None	Yes	Yes	Yes	Yes
Setbacks for Parking, Tents & Port-a-johns	75' front/ 25' side/ 35' rear	125' from property line	125' from property line	125' from property line	For parking only

* Planted acreage must be crops used in beverage production and may include adjoining parcels under same ownership

In addition to the provisions outlined in the proposed ordinance, staff requests direction from the Commission on whether any of the following should be included in the next revision of the draft ordinance.

1) Minimum Road Standard for Event Eligibility

At the last work session, in response to concerns about roadway safety, the Commission and Board discussed the possibility of requiring that a minimum road standard be met in order for a farm winery, farm brewery or farm distillery to be eligible to hold events. Since that time, staff obtained accident data from Police suggesting no identifiable correlation between these uses and the number of traffic accidents occurring in proximity to them over the past five years. After exploring the possibility of using VDOT's minimum road width standard as a threshold for events eligibility, staff concludes that it would be impractical to apply such a standard due to the varying width and condition of rural roads, the variety of routes to access a particular site, and the arbitrary nature of establishing an area or distance to apply such a standard. The alternative of requiring a paved road surface raises additional concerns about encouraging the creation of more impervious cover in the Rural Area.

In the absence of a standard that is feasible to administer, staff recommends that no minimum road standard be included in the ordinance amendment. As an alternative, the County could instead require a traffic study performed by a licensed engineer demonstrating that a site can be adequately and safely served by existing roads.

2) Traffic Management Plan for Events over 200

Traffic safety was one of the top concerns associated with events at FWBDs. A number of survey respondents favored requiring the use of a traffic control officer or transportation vendor to help mitigate traffic impacts associated with large events. Under current regulations, a traffic management plan has been required as a special use permit condition for events with over 200 attendees. Staff believes that codifying such a requirement would encourage FWBDs to plan well in advance about how events traffic will be managed.

Staff recommends that a traffic management plan be required in conjunction with a special use permit for events with over 200 attendees.

3) Curfew for Outdoor Amplified Music

Noise from outdoor amplified music was another primary concern of neighbors living near FWBDs. Current regulations require that such music comply with a 60 decibel daytime and 55 decibel nighttime limit when measured from the property line, which results in circumstances where a neighbor may continue to hear music as long as it is being played. A noise curfew after which outdoor amplified music at a FWBD event must cease would give neighbors the opportunity to enjoy quiet hours.

Staff recommends that a curfew for outdoor amplified music at FWBD events be applied during nighttime hours (10 pm – 7 am).

4) Neighbor Notification with Zoning Clearance

A number of survey respondents suggested that FWBDs should be required to notify neighbors if they plan to hold events. Although not currently a requirement of the FWBD zoning clearance process, the County does require neighbor notification for major home occupations and family day homes. Staff believes that requiring FWBDs to notify their neighbors in conjunction with the zoning clearance process would encourage direct

communication with neighbors prior to events commencing and establishes a point of contact at the FWBD if concerns arise when events are occurring.

Staff recommends that FWBDs be required to notify all adjoining neighbors in conjunction with the zoning clearance process and that they provide neighbors with an on-site point of contact for when events occur.

BUDGET IMPACT: Staff does not anticipate that the proposed ordinance amendment will result in the need for additional staff or funding.

RECOMMENDATION: Staff recommends that the Commission provide feedback on the draft ordinance and additional discussion items.

ATTACHMENTS:

- Attachment A: [Draft Ordinance](#)
- Attachment B: [Resolution of Intent](#)
- Attachment C: [June 14 Joint Work Session Staff Report](#)
- Attachment D: [June 14 Joint Work Session Action Memo](#)
- Attachment E: [June 14 Joint Work Session Minutes](#)
- Attachment F: [Rural Area Stakeholder Survey Results](#)

FINAL ACTIONS Planning Commission Meeting of September 13, 2016	
September 20, 2016	
<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
1. Call to Order. Meeting called to order at 6:01 p.m., by Chair, Mr. Keller. Absent was Mr. Lafferty. Also present were J.T. Newberry, Scott Clark, Rachel Falkenstein, Mandy Burbage, David Benish, Amelia McCulley, Elaine Echols, Sharon Taylor and John Blair.	
2. Committee Reports There were none.	
3. Other Matters Not on the Agenda from the Public. There were none.	
4. Consent Agenda. a. <u>CCP-2016-00002 Albemarle County Police Department Satellite Office, Crozet</u> Compliance with the Comprehensive Plan Review for an 852 square foot leased office space for police officer use within an existing building in the Old Trail Village Center in Crozet. (David Benish) b. <u>Approval of Minutes:</u> May 10, 2016 ACCEPTED, by a vote of 6:0:1 (Lafferty absent), the consent agenda items a. and b. For item a. CCP-2016-00002 the Commission found site to be in substantial accord with the Comp Plan.	<u>Staff:</u> - Action Letter – CCP-2016-00002 – as noted in the actions found the site to be in substantial accord with the Comp Plan. <u>Clerk:</u> - Finalize 5-10-2016 minutes for signature.
5. Review of Board of Supervisors Meeting – September 7, 2016. Mr. Benish reviewed the actions taken on September 7, 2016.	<u>Clerk:</u> No action required
6. Deferred Item. <u>ZMA-2016-00006 Glenmore K2C</u> MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 093A5000000100, 093A5K20B00800, 09400000001600 LOCATION: Approximately 1,500 feet southwest of the intersection of Carrol Creek Road and Waterside Way.	<u>Clerk:</u> Schedule public hearing on December 6, 2016. <u>Staff:</u> Action Letter - Deferred as noted in the actions.

PROPOSAL: Reduce the currently approved cash proffer amount of \$16,590 per lot to the cash proffer amount recommended by the Fiscal Impact Advisory Committee of \$4,918 per lot. PETITION: Request to amend proffers on property zoned PRD which allows a variety of development for residential purposes and ancillary uses. No new dwellings proposed. OVERLAYS: Entrance Corridor, Steep Slopes (Managed and Preserved), Flood Hazard PROFFERS: Yes COMPREHENSIVE PLAN: Neighborhood Density (Low) – residential (2 units or less/acre); supporting uses such as places of worship, schools, public and institutional uses in the Village of Rivanna Master Plan. DEFERRED FROM JULY 26, 2016 PLANNING COMMISSION MEETING (JT Newberry) • By a vote of 6:0:1, (Lafferty absent) APPROVED applicant's request for deferral to 12-6-2016.	
7a. Public Hearing Items. <u>AFD-2016-00002 Carter's Bridge Addition – Manis</u> Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel to the Carter's Bridge Agricultural and Forestal District (Albemarle County Code § 3-210) on September 13, 2016, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. The parcel proposed for addition (Tax map 122, parcel 18) is approximately 100 acres in size and is located at 6100 Blenheim Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)	<u>Clerk</u>: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. <u>Staff</u>: Action Letter – Recommend Approval as noted in the actions.

By a vote of 6:0:1 (Lafferty absent), RECOMMEND APPROVAL of the addition to AFD-2016-2 Carter's Bridge Addition – Manis.	
7b. Public Hearing Items. AFD-2016-00004 South Garden District Review Periodic (10-year) review of the South Garden 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 99, parcels 35, 102; tax map 109, parcel 70; tax map 110, parcels 8, 10, 18, 18E, 27; tax map 119, parcel 2. The district includes a total of 2,202 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark) By a vote of 6:0:1 (Lafferty absent), RECOMMEND APPROVAL of renewal of AFD-2016-00004 South Garden District for another 10-year period.	<u>Clerk:</u> This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. <u>Staff:</u> Action Letter – Recommend Approval as noted in the actions.
7c. ZMA-2016-00005 Foothills Crossing MAGISTERIAL DISTRICT: White Hall TAX MAP/PARCEL: 05600000005700, 056000000057B0, 056K00000000A1, 056A2010006200, 056A2010006100 LOCATION: West of Park Ridge Drive and Foothill Crossing subdivision, north of Westhall subdivision and northeast of Crozet Park, south of Buckingham Branch Railroad. PROPOSAL: Request to rezone portions of parcels 05600000005700, 056000000057B0, 056K00000000A1 from R1-Residential to R6-Residential; parcel 056A2010006200 from R2-Residential to R6-Residential; portion of parcel 056A2010006100 from LI-Light Industrial to R6-Residential. PETITION: Rezone 32.54 acres from R1-Residential zoning district which allows residential uses at a density of 1 unit per acre, 2.13 acres from R2-Residential which allows residential uses at a density of 2 units per acre, and 3.24 acres from LI-Light Industrial which	<u>Clerk:</u> This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. <u>Staff:</u> Action Letter – Recommend approval as noted in the actions provided revisions are made to the proffers as described in the staff report, prior to the Board of Supervisors meeting.

allows industrial, office, and limited commercial uses to R6-Residential zoning district which allows residential uses at a density of 6 units per acre. A maximum of 180 units is proposed. OVERLAY DISTRICT: EC- Entrance Corridor; Managed Steep Slopes PROFFERS: 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 the Crozet Masterplan; Urban Density Residential – residential (6 -12 units /acre), supporting uses such as religious institutions, schools, commercial, office and service uses; Light Industrial – manufacturing, storage, distribution, with supporting office, retail, R&D, flex, commercial uses; Greenspace – public parks, open space, environmental features. (Rachel Falkenstein) • By a vote of 6:1:1 (Firehock nay) (Lafferty absent), RECOMMEND APPROVAL of ZMA-2016-00005 Foothills Crossing with revisions to the proffers as recommended by staff. (Ms. Firehock voted nay because adequate information has not been provided in terms of the layout of the conceptual plan.)	
Recess. The Commission recessed at 7:06 p.m. and reconvened at 7:15 p.m.	
8. Work Session. <u>ZTA-2016-00003 Farm Winery, Brewery & Distillery Events</u> Discussion draft ordinance provisions addressing Farm Winery, Brewery & Distillery Events (Mandy Burbage) • Received staff's presentation, took public comment and provided feedback and direction to staff as summarized in attachment 1. No formal action was taken.	Next Steps: • See actions as outlined in attachment 1.
5. Other Public Comments.	

	There were none.	
6.	Old Business. Discussed status of Planning Director position.	
7.	New Business. <u>Bruce Dotson</u> - Suggested discussion take place in future about school planning with staff with schools. <u>Tim Keller:</u> - Announced next meeting will be on Tuesday, September 20, 2016 at 6:00 p.m. in Rm 241 regarding affordable housing.	
8.	Adjourn to September 20, 2016, 6:00 p.m., Rm #241, COB McIntire. The meeting was adjourned at 9:48 p.m.	

/sct

Attachment 1 – ZTA-2016-00003 Farm Winery, Brewery & Distillery Events – Work Session – Planning Commission Recommendation

ZTA-2016-00003 Farm Winery, Brewery & Distillery Events – Work Session Planning Commission Recommendation

Next Steps:

The Planning Commission provided direction on the following:

Draft Ordinance Provisions

The Planning Commission supported the draft ordinance provisions as outlined in the following table with a clarification that the 125 foot setback would not apply to parking areas at existing farm wineries, breweries and distilleries and that setbacks could be modified by special exception:

	CURRENT	PROPOSED			
	Farm Wineries, Breweries & Distilleries (FWBDs)	Farm Wineries	Farm Breweries	Farm Distilleries	Grandfather Existing FWBDs
To Establish Events Eligibility:					
Minimum On-site Planted Acreage*	None	5 acres	5 acres	5 acres	Yes
On-site Fermenting & Bottling	None	Yes	Fermenting only	Yes	Yes
Tasting Room with Regular Hours	None	Yes	Yes	Yes	Yes
Setbacks for Parking, Tents & Port-a-johns	75' front/ 25' side/ 35' rear	125' from property line	125' from property line	125' from property line	For parking only

* Planted acreage must be crops used in beverage production and may include adjoining parcels under same ownership

Minimum Road Standard for Event Eligibility

The Planning Commission requested that staff provide additional information about the number of Albemarle County farm wineries, breweries and distilleries located on unpaved roads and that this information be incorporated into the accident data provided by Police and shared by staff.

Traffic Management Plan for Events over 200

The Planning Commission supported staff's recommendation that a traffic management plan be required in conjunction with a special use permit for events with over 200 attendees.

Curfew for Outdoor Amplified Music

The Planning Commission supported a noise curfew for outdoor amplified music at farm winery, brewery and distillery events between the hours of 11 pm and 7 am.

Neighbor Notification with Zoning Clearance

The Planning Commission supported staff's recommendation that farm wineries, breweries and distilleries be required to notify all adjoining neighbors in conjunction with the zoning clearance process and that they provide neighbors with an on-site point of contact for when events occur. A community meeting with neighbors was suggested as an alternative to written notification.