

**Albemarle County Planning Commission
October 31, 2017**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 31, 2017, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Pam Riley; Mac Lafferty, Karen Firehock; Vice-Chair; Bruce Dotson; and Bill Palmer, UVA representative. Absent was Jennie More. Ms. Firehock arrived at 6:08 p.m.

Other officials present were J.T. Newberry, Senior Planner; Elaine Echols, Chief of Planning; Tim Padalino, Senior Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission; and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Public Hearing.

ZMA-2016-00023 Brown Toyota

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 07800000001400, 078000000014E0

LOCATION: 1357 Richmond Dr. (Rt. 250), approximately .30 miles east of the Riverbend Drive

PROPOSAL: Request to change the zoning designation of approximately 0.25 acres of steep slopes from a Preserved slope designation to a Managed slope designation, which would allow the preserved slopes to be disturbed. This area has been subject to prior grading activity.

PETITION: Request for 0.25 acres from Steep Slope Overlay District (Preserved) which allows uses under Section 30.7.4 (b) to Steep Slopes Overlay District (Managed) which allows uses under Section 30.7.4 (a). No dwellings proposed.

OVERLAY DISTRICT(S): Steep Slopes; Entrance Corridor

PROFFERS: Yes

COMPREHENSIVE PLAN: Commercial Mixed Use – retail, commercial services, office, hotel/motel/conference facilities, and wholesale uses; Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre); and, Greenspace – undeveloped areas in the Pantops Development Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

DEFERRED FROM OCTOBER 24, 2017 PLANNING COMMISSION MEETING

(JT Newberry)

Mr. Newberry presented the staff report for ZMA-2016-23 Brown Toyota.

First, since not mentioned in the staff report Mr. Newberry noted the community meeting was held in January of this year at the Pantops Citizen Advisory Committee (CAC) meeting and David Benish attended that meeting on my behalf. Mr. Newberry said that there was no negative feedback received at that meeting and the primary concern was with the stream valley at the back of the property.

Mr. Newberry explained that tonight we are going through a rezoning proposal to:

- Remove approximately 0.20 acres of preserved slopes and approximately 0.05 acres of managed slopes from the Steep Slopes overlay district located at the rear of Brown Toyota on Pantops.
- In exchange, the applicant has proposed establishing approximately 0.25 acres of managed slopes in the Steep Slopes Overlay District adjacent to that area. The new managed slopes would be contained within a 2.47-acre preservation area as shown on the rezoning plan and discussed in the proffer statement.

In attachment A of the staff report Mr. Newberry explained that he overlaid the Steep Slope Overlay District with the overhead photography with an ortho photo to show more specifically the area that was to be removed. He pointed out the specific area on the left hand side of the slide the preserved slopes that are proposed to be removed and on the right hand side the managed slopes. He pointed out this area is currently used as a parking area and storage area for vehicles associated with Brown Toyota. In another attachment from the staff report he highlighted where the new managed sloped will be, which is directly beneath the area used for a parking area now. He noted there is a guardrail at the top that gives a fairly delineated edge as seen in the ortho photo and pointed out the location of the area of the Steep Slope Overlay District.

Staff Analysis:

- The original area that was designated for preserved slopes was actually a soil stockpile. This was a temporary man-made feature that just happened to be located adjacent to a larger system of slopes and so staff did not find value in reestablishing these slopes or requiring that they remove as preserved.
- The applicant once they became aware that this was a violation has been diligently working towards abatement of the existing zoning violation.
- The proposed rezoning plan and proffers (and future WPO and site plan amendment applications) enable the existing conditions to be consistent with the Comprehensive Plan and in compliance with the Zoning Ordinance.

Mr. Newberry pointed out the factors for consideration and one of the important ones is that through the rezoning plan a preservation area at the back of the site would provide protection for the intermittent stream that otherwise would not be required.

Favorable:

1. The Rezoning Plan corrects an inadvertent error in the adopted Steep Slopes

- Overlay District map.
2. The proposed slope designation balances protection of the new steep slopes with the potential need to remediate the area appropriately.
 3. A preservation area at the rear of the site will provide protection for an intermittent stream that would otherwise not be required and is consistent with the intent of the original preserved slope designation.

Unfavorable:

1. This was an unpermitted disturbance of steep slopes that created the need for this request.

Mr. Newberry said for these reasons staff recommended approval of this application and he can take questions.

Mr. Keller invited questions for staff. Hearing none, Mr. Keller opened the public hearing and invited the applicant to come forward.

Clark Gathright, Clark Garthright, LLC, said he was the civic engineer representing Brown Toyota on this matter. He noted he did not have much to add to Mr. Newberry's presentation, but would be happy to answer questions.

Ms. Firehock arrived at 6:08 p.m.

Mr. Keller invited public comment. Hearing none, Mr. Keller invited the applicant back for questions. Hearing none, he closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Dotson asked if it was correct that the applicant is proposing a proffer where 2.47 acres is to be a preservation area.

Mr. Newberry replied yes, that is correct.

Mr. Dotson asked does that meet our criteria of a preservation area because he was wondering if it makes sense to have this a no disturbance area.

Mr. Newberry replied my understanding is that there is no objections to calling it a preservation area; the zoning division reviewed the application and he believed it meets squarely the definition in the zoning ordinance and would qualify as a preservation area.

There being no further questions for staff, Mr. Keller asked for a motion.

Ms. Spain moved to recommend approval of ZMA-2016-00023 Brown Toyota as recommended by staff.

Mr. Lafferty seconded the motion.

There being no further discussion, Mr. Keller asked for a roll call.

The motion passed unanimously by a vote of 6:0. (Ms. More absent)

Mr. Keller noted the motion was approved and the request moves on to the Board of Supervisors.