

COUNTY OF ALBEMARLE

TRANSMITTAL TO BOARD OF SUPERVISORS

AGENDA TITLE: ZTA201800002 Commercial and Industrial Zoned Properties Not Served By Public Water or Central Water Supply Systems in the Rural Area of the Comprehensive Plan

SUBJECT/PROPOSAL/REQUEST:

Public hearing on changes to Zoning Ordinance regulations for Commercial (CO, C1 and HC) and Industrial (LI) zoning districts to eliminate the requirement for a special use permit for by-right uses not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day and replace it with a list of by-right uses and uses permitted by special use permit.

AGENDA DATE:

June 13, 2018

STAFF CONTACTS(S): Rebecca Ragsdale; Amelia McCulley, Zoning Administrator; Leah Brumfield, Senior Planner; Bill Fritz, Chief of Special projects; John Blair, Deputy County Attorney

PRESENTOR(S): Rebecca Ragsdale

BACKGROUND:

This zoning text amendment (ZTA) was initiated by the Board of Supervisors with a resolution adopted on [February 7, 2018](#). Staff mailed out informational postcards and invited affected property owners and others to a public input meeting on April 17th. The Planning Commission held a public hearing on this matter on May 8th. At that meeting they continued the public hearing to their May 22, 2018 meeting to allow additional time for study of the issue and for staff to provide additional information. On May 22, 2018, the Planning Commission voted 6:0 to recommend approval of ZTA 2018-02 with the addition of a grandfathering provision for existing or vested structures and a recommendation for a second phase of study and potential ordinance amendments.

While the Commission was supportive of a text amendment to begin addressing inconsistencies between the Comprehensive Plan and Zoning Map, they believed that additional study and solutions should be explored to address the issue in a second phase of the ZTA. Discussion included, but no vote or consensus was achieved on, the following:

- *Study of other approaches to address the issue.*
- *Study of whether supplemental regulations in Section 5 of the Zoning Ordinance should be addressed to limit scale, intensity, etc. of by-right uses or special use permit uses.*
- *Additional consideration and review of the list of permitted and special permit uses, including future consideration of uses that should not be permitted on properties zoned commercially or industrially in the Rural Area of the Comprehensive Plan.* While the Commission's action did not reflect it and there was no consensus among all Commissioners to amend the use tables prior to the Board public hearing, there were concerns brought up by individuals on the following uses: clubs and lodges, schools, a desire to specify that agricultural product uses must only involve local agricultural products, farmers markets, light warehousing, home and business services, eating establishments, hotels and inns, dry cleaning plants, and chemicals and plastics, manufacturing or processing.
- *A place-based study of affected parcels.* Not all parcels are in the same location and they all have different characteristics, with some located in former rural villages such as Earlysville and Stony Point.

DISCUSSION:

The only change to the ordinance that has been made since the April community meeting and May public hearings is to add a provision that allows all by-right uses in the underlying zoning district within existing or vested structures not served by public water. Since the Planning Commission action, staff has proposed grandfathering language that addresses the Commission's concerns about sites developing to more intensive uses that would impact neighbors. The proposed ordinance limits existing or vested buildings from:

- Expanding building footprint
- Expanding parking or changing the entrance
- Adding lighting
- Adding outdoor activity or outdoor storage
- New uses that generate additional traffic

BUDGET IMPACTS: Amending the County Code to address the water consumption regulation should not result in budget impacts. The proposed amendment should save existing staff resources necessary for review under the current problematic ordinance. While this provision doesn't arise frequently, it does involve staff time from multiple County divisions and departments including Planning, Zoning, Engineering, and the County Attorney's Office.

Should the Board wish to study the matter further and implement a second phase as recommended by the Commission, staff recommends that the Board review this new priority within the Community Development work program. Because this is not currently in the work program and can be a fairly time-consuming undertaking with extensive public outreach, we are concerned that staff can not undertake this and still meet existing priority timelines. Staff recommends the Board set a work session for September 12 to define parameters (scope and process) and discuss a potential resolution of intent if further study is desired. At that time, the Board can advise staff of prioritization within the work program.

RECOMMENDATION:

Staff recommends the Board adopt ZTA 2018-02 (recommended ordinance Attachment E).

Should the Board wish to further study this matter, as the Commission recommended, Staff recommends the Board set a work session for September 12 to define parameters (scope and process) and discuss a potential resolution of intent if further study is desired.

ATTACHMENTS:

- A. Planning Commission staff report for May 8, 2018 public hearing
- B. Planning Commission minutes from May 8, 2018
- C. Planning Commission staff report for May 22, 2018 public hearing
- D. Planning Commission minutes from May 22, 2018
- E. Proposed Ordinance