

ZTA2018-02 Commercial/Industrial Zoned Properties Not Served By Public Water

Public Input Meeting April 16, 2018

Attendees (see sign up sheet below) and staff in attendance included: Amelia McCulley, Zoning Administrator; Bill Fritz, Chief of Special Projects; Rebecca Ragsdale, Senior Planner; Andrew Knuppel, Planner

Agenda for the Meeting included:

- 1) Background and Purpose of the Ordinance Changes
 - 2) Board direction and Resolution of Intent to align Zoning Ordinance more closely with the current comprehensive plan
 - 3) Review relevant zoning and comprehensive planning history, including Albemarle County Service Authority Jurisdictional Area Boundaries
 - 4) Affected Properties
 - C1, CO, HC, LI, HI properties outside the Development Area and not served by public water or central system
 - 5) Potential changes and review of by-right opportunities
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Detailed Public comments with staff response in *italics*:

- Question about area E of 250/64 interchange at Shadwell
 - *This area is outside the Development Area and the ACSAJA policy is not to serve those properties with public water or sewer unless there is a health issue and properties are adjacent to the line*
- What uses are we trying to get rid of here?
 - *The proposed ordinance will keep all uses currently available in the commercial and industrial zoning district. The goal is to create a list of by-right uses that are consistent with all comprehensive plan goals, not just water consumption.*
- Are on left, by-right, low water consumption? Or are the ones on the right high water consumption?
 - *Clarifying: looking for feedback, alignment with comp plan and recommendations were not based solely on water consumption*
 - *Plan to send "Criteria for Review of New Uses" in comprehensive plan to the mailing list*
- Why is this a water list if we're not only looking at water?
 - *These are the remaining properties without prior County approvals in the RA that will be affected*
 - *Issues of rural appropriateness AND water*
 - *BZA: if Zoning Administrator can't guarantee won't be under gallon per acre per day limit, it has to have special use permit (SP) and is effective by SP.*
- Threshold of "high" vs "low" water users?
 - *We're trying to get away from just water consumption limits. Staff is looking to balance water use with comp plan.*

- Does this text amendment include uses not served by public water using 400 gallons per site acre per day and also sewer for not domestic waste?
 - *Looking at only water, not sewer eliminating the special use permit requirement for uses not served by public sewer with discharge other than domestic waste.*
- How to test for sufficient water for proposals? Referring to Boyd Tavern Market proposal
 - *No special use permit has been submitted for that site. No water study has been submitted.*
- Concern about losing some control of water review with the proposed by-right uses?
 - *The current Water Protection Ordinance groundwater study requirements along with health department approval will remain in place.*
- *Staff Clarification: There was an error in the list of C1 Commercial uses proposed by-right. Financial institutions are proposed by special use permit if not served by public water*
- Proposal would allow some SP uses by-right for commercially/industrially zoned properties in RA and without public water service?
 - *These uses are believed by staff to be supportive of Rural Area comprehensive plan goals and included uses like farmer's markets.*
- Concerns that scale was not considered in list of uses: "sporting goods shop in a shack that doesn't use much water, now by SP?"
- Taking away by-right uses by putting them in the Special Use category
 - *Clarifying that all property owners affected received notice*
 - *Virtually impossible to prove under current language that a by-right use exists. Attempting to show that there are some by-right uses, consistent with the Rural Area component of the Comp Plan.*
- How much more difficult to achieve a Special Use Permit?
 - *The special use permit process will remain the same and not be more restrictive for properties not served by public water. It will allow size, scale, traffic, and other impacts to be evaluated and mitigated based on individual proposals and their location.*
 - *Right now, most everything is by special use permit but with the proposed changes, some things can move to by-right*
 - *You can still apply, process doesn't change.*
- Could you put a livestock yard by 64 under the proposed changes?
 - *Yes, because supporting of the Rural Area*
- How does affect value of property?
- What do you mean there's no by-right use?
 - *Because can't verify that won't exceed 400 gpd per site acre, can't determine it is by-right use*
 - *This determination has been upheld by the Board of Zoning Appeals (BZA)*
- Affected properties include those that may have been 1980 zoned HC, want to develop
- Support for changes: thought that Zoning Ordinance was at odds with the Comp Plan
- Why not implement flow restrictor valve provision?
 - *Staff was directed to change the ordinance by creating the list of by-right uses and remaining special use permit uses, factoring in other policy goals of the comprehensive plan not just water.*

- Is a convenience store consistent with the Rural Areas comp plan?
- Question about the Earlysville service station not on public water that was approved?
 - *A special use permit was approved on a property zoned RA for a public garage. Also, an auto repair business moved into an existing building, the former Whyte's grocery store, which may be served by a central water system but staff would have to research further.*
- Under proposed ordinance changes, there would be a more predictable approval process
- Concerned about well water availability: the provision was put forward to prevent environmental damage
- Have considered that all uses under SP were once by-right?
 - *The requirement for a special use permit for most all uses is already a requirement, we are trying to create clear by-right opportunities?*
- Concern that SP uses not served by water would be met with a denial because inconsistent with, can't meet water?
 - *SPs are reviewed on a case-by-case basis. Not saying absolutely inconsistent with comp plan, but will need a higher level of review*
 - *This review right now looks at consistency with comp plan*
- In event of flow restrictor device or restrictions how would this affect farm buildings if the USBC building code changes to require buildings to meet fire safety standards?
 - *Farm wineries are currently exempt from USBC except under certain circumstances*
 - *Changes don't affect the Rural Areas zoning district but properties in the RA are not served by public water*
- It seems the County is proposing to impose a greater restriction on these properties than ever before?
 - *The requirement for a special use permit for most all uses is already a requirement, we are trying to create clear by-right opportunities.*
- Restrictor valve use: average versus peak measurements?
 - *The current ordinance water consumption limit is peak not average*
- Thinks proposal is a good idea to make it clearer. Will either lose value from commercial side, or residential side. If business drains water from houses, will lose value.

Name	Company/Affiliation/Organization	Email/Contact	Address
Gordon Sutton	Tiger Fuel Co	suttong@tigerfuel.com	
Shirley McCormick			1523 Black Cat Road, Keswick, VA 22947
Greg Duncan		gregdun@ntelos.net	4810 Mechunk Rd, Keswick, VA 22947
Pat Young		youngpc@comcast.net	4770 Mechunk Rd, Keswick, VA 22947
Bill Johnson			1073 Black Cat Rd, Keswick, VA 22947
Linda Sprouse			4714 Mechunk Rd, Keswick, VA 22947
Jo Higgins	PDLLC	musxit@aol.com	
Justin Shimp	Shimp Engineering		
Morgan Butler	SELC	mbutler@selcva.org	
Randolph Kohr II	Positive Returns	rk2@kohrbros.com	
Julian Bivins	Lambs Road	jbivins@albemarle.org	
Dana Tarrant	Mechunk Road	keswickhoo@gmail.com	
Cameron Vest	Mount Ida	cvest@mountidafarm.com	