

**COUNTY OF ALBEMARLE
PLANNING COMMISSION**

EXECUTIVE SUMMARY

<p>AGENDA TITLE: ZTA2018-02 Commercial and Industrial Zoned Properties Located in the Comprehensive Plan Rural Areas not Served by Public Water or a Central Water Supply System</p> <p>PRESENTOR: Rebecca Ragsdale, Senior Planner</p> <p>STAFF CONTRIBUTORS: Rebecca Ragsdale; Amelia McCulley, Zoning Administrator; Leah Brumfield, Senior Planner; Bill Fritz, Chief of Special Projects; John Blair, Deputy County Attorney</p>	<p>AGENDA DATE: May 22, 2017 <i>Public Hearing continued from May 8, 2018</i></p> <p>ATTACHMENTS: Yes</p>
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BACKGROUND: This zoning text amendment (ZTA) was initiated by the Board of Supervisors with a resolution adopted on [February 7, 2018](#). The Planning Commission received a brief update on this ZTA on April 10, 2018. At their May 9, 2018 public hearing the Planning Commission continued the public hearing to their May 22nd meeting. The Commission asked that the following information be provided to supplement the [May 9](#) staff report and presentation:

- 1) Additional details on parcels affected by proposed changes and their characteristics
- 2) Additional detail on the basis for staff recommended by-right uses and special permit uses
- 3) Address property value concerns

Affected Properties

Staff has used GIS to identify properties that will potentially be affected by this zoning text amendment. A review of GIS indicates there are approximately 80 properties zoned commercially and industrially that are not designated for public water service and are located outside the Development Area. The approximate acreage of these parcels is 304 acres. These parcels range in size, location, and use. Additional parcel information and maps showing the zoning and Albemarle County Service Authority Jurisdictional Area (ACSAJA) designation for affected properties, along with neighboring properties, are provided as Attachment A. This attachment includes a listing of all parcels, their acreage and improved value listed by zoning district, along with map insets for undeveloped parcels.

Comprehensive Plan & Recommended Uses

With the updates to the comprehensive plan, zoning map and zoning ordinance in 1980, and with subsequent amendments to designated growth areas, the County has historically acted to leave the zoning in place for parcels outside the comprehensive plan growth boundary. This results in inconsistencies between the zoning map and the comprehensive plan. This zoning text amendment provides an additional tool, through the special use permit process, to mitigate impacts to the Rural Areas (RA) that may arise from commercial or industrial development on these properties.

At the last Commission meeting, there was much discussion about why staff included the comprehensive plan language below. Some, but not all, of the criteria for new uses were utilized in determining appropriate uses for these properties located in the Rural Areas of the Comprehensive Plan. Staff does not expect all criteria for new uses to be met because the parcels are currently zoned Commercial/Industrial, not Rural

Areas. Furthermore and as staff stated, these criteria are not meant to be used to evaluate special use permit proposals under the proposed ordinance. All special use permits are universally subject to review criteria stated within the zoning ordinance in §33.8.

Staff has provided further information in response to the Commission's request for additional information about the basis for recommended uses by right and by special use permit. Please refer to "staff comment" within the table below for additional comments as to the relevancy of these criteria to staff's recommendation for uses.

Consideration of New Uses in the Rural Area

This Chapter recommends consideration of a few new land uses in the Rural Area, including supportive uses for agriculture, tourism, and crossroads communities. The County recognizes that a delicate balance exists between providing more opportunities for supporting rural uses and allowing so many of them that the Rural Area features are lost. Frequent tour buses along County roads can cause rapid deterioration of narrow gravel roads. Excessive noise can interfere with a horse or cattle operation.

It is important that any change take place slowly with enough time to evaluate potential impacts. Analysis of the impacts of the recent Zoning Ordinance changes should be conducted before adopting new zoning regulations. Policies, programs and regulations that address only one aspect of the Rural Area to the detriment of others should be avoided or, where already in place, revised. Only by prudent and thoughtful decision making will the Rural Area resources be preserved while encouraging uses that benefit the economy.

Criteria for Review of New Uses

As new uses are proposed in the Rural Area, it is essential that they be able to meet the following standards. New uses should:

Criteria	Staff Comment
relate directly to the Rural Area and	<i>Staff's focused most on this criteria when recommending by-right uses. These are uses believed to have a relationship to the RA, are specifically mentioned in the comprehensive plan for the RA, or are uses already listed as a use in the RA zoning district as either by-right or by SP.</i>
need a Rural Area location in order to be successful, (e.g., a farm winery has to be located in the Rural Area and would be unlikely to succeed in the Development Areas);	<i>Staff believes that since the parcels associated with this zoning text amendment are already zoned commercially or industrially, that this criteria is not applicable.</i>
be compatible with, and have a negligible impact, on natural, cultural, and historic resources;	<i>The majority of affected parcels are not located within a historic district. Many parcels are located along an Entrance Corridor and will continue to be subject to Architectural Review Board guidelines, including by right uses. The special use permit process will allow an additional opportunity to mitigate impacts to resources.</i>
not conflict with nearby agricultural and forestal uses;	<i>Most affected parcels are not located within AF districts. There are several that are located near AF districts, but those are already developed.</i>
reflect a size and scale that complements the character of the area in which they will be located	<i>Many affected parcels are already developed with a commercial or industrial character. The uses that are listed by-right are those that are commonly found in the Rural Areas such as schools and religious institutions. The size, scale, and intensity of commercial uses not typically found in the RA would</i>

Criteria	Staff Comment
	<i>be considered during the special use permit process.</i>
be reversible so that the land can easily return to farming, forestry, conservation, or other preferred rural uses;	<i>Because these parcels are zoned commercially or industrially, there is no expectation that once developed they would then be downzoned or revert to these uses.</i>
be suitable for existing rural roads and result in little discernible difference in traffic patterns	<i>Most of the affected parcels are located on primary routes such as 29, 250, Earlysville and Hydraulic Roads. VDOT would review by-right uses during the site plan process and has the ability to require entrance and sight distance improvements. Additional review and opportunity to mitigate traffic impacts would occur for special use permit uses.</i>
generate little demand for fire and rescue and police service;	<i>Staff believes that proposed ordinance changes will not create a greater demand for service.</i>
be able to operate without the need for public water and sewer; be sustainable with available groundwater; and	<i>Uses listed as by-right are those that are either lower water users or are those that are commonly found in the RA and function without issues on well and septic. This includes plant nurseries, vet offices, schools (Miller school), religious institutions or clubs/lodges such as the former Moose lodge on Richmond Road.</i>
be consistent with other Rural Area policies.	<i>The recommended ordinance changes are consistent with the RA policy and relevant recommendations for specific uses for the Rural Areas.</i>

The basis for staff recommendation for uses by-right are provided in Attachment B. This attachment also lists applicable supplemental regulations for the use found in Section 5. All uses of an industrial character are subject to the performance standards of Section 4. These performance standards address emissions, discharges and impacts such as sound, vibration and the like. Through the special use permit process, SP uses may be subject to limiting conditions that act as performance standards if there are identified impacts.

Rural Crossroads Communities

Further discussion has occurred since the May 8th meeting regarding the recommendations of the Comprehensive Plan for Crossroads Communities. The comprehensive plan specifically mentions the following as rural crossroads communities: Advance Mills, Batesville, Covesville, Free Union, Proffit, Greenwood, and White Hall. None of the affected parcels are located in the communities listed. It goes on to say that other crossroads communities may be appropriate to consider for a future designation.

Objective 5: Recognize and support crossroads communities which serve as rural-scale community meeting places and provide opportunities for residents to take part in community life.

Staff is of the opinion that those uses deemed appropriate for crossroads communities would also be appropriate for these unique legacy properties that are zoned commercially. This opinion informed the list of by-right use recommendations.

Strategy 5b: Consider amending the Zoning Ordinance to allow for small-scale, supportive uses in designated crossroads communities. Examples of such uses are country stores, offices, day care facilities, doctor/dentist offices, public institutional uses, such as post office.

Staff also believes, after further discussion with an affected property owner, that Earlysville is a Rural Area community that functions much like a Crossroads Community and should be included in future studies.

Recommended Uses

Staff's recommendation for by-right uses remains the same as the May 8 Commission public hearing. The supplemental information provided in handouts at that meeting is now attached to this report. This includes a table listing existing and proposed by-right and special permit uses for C1, HC, CO, and LI zoning districts. The proposed use categories are divided into one column for those served by private well and another for those served by public or central water supplies (Attachment C)

Further staff comment on the basis for recommended specific by-right uses is provided in Attachment B. In summary, uses listed as by-right are those that staff believed:

- Relate directly to the Rural Area or agriculture (farmers markets, retail nurseries and greenhouses, livestock sales, feed and seed stores, or agricultural product distribution or processing)
- Are uses specifically mentioned as those that should be permitted in the RA: agricultural product distribution, daycares, and landscaping businesses)
- Are uses that are permitted either by-right or by special use permit in the RA zoning district (schools, religious assembly uses, clubs)

How Properties Will be Affected and Property Value Concerns

If the proposed ordinance is adopted, existing uses may continue subject to the legal nonconforming regulations found in Section 6 of the Zoning Ordinance. Previously approved special use permits and proffered rezonings will remain in place. Properties with special use permits pursuant to the 400 gallon water consumption provision will need to amend their current special use permit if they propose expansions or changes to their site not consistent with prior special use permit conditions.

It is difficult to evaluate impacts the proposed ordinance has on property values. As staff noted in the meeting, the current regulations relating to water consumption make it difficult for a use involving plumbing to be unequivocally proven as a by-right use. It's important, yet difficult, to be able to quantify the current value, subject to the current 400 gallon water consumption regulation, for these properties in order to evaluate the possible change in property values based on the proposed ordinance.

Staff has had further discussion with property owners in consideration of the property value concerns. As a result, staff believes that in order to allow more economic versatility for property owners who have invested in property improvements, that all existing or vested structures should be permitted to avail themselves all current by-right Commercial or Industrial uses (based on the property zoning) even if on a private well water supply. Staff recommends the ordinance be updated to include this grandfathering provision before it is forwarded to the Board of Supervisors. Staff believes that any impacts or change in rural character has already happened with developed parcels and flexibility in future uses allowed in existing structures would not create additional or substantial detrimental impacts to the Rural Areas or surrounding properties.

RECOMMENDATION: Staff recommends that the Commission act on the proposed ordinance (Attachment D) and forward their recommendation to the Board of Supervisors for their scheduled June 13, 2018 public hearing.

Actions may include:

- 1) Recommend approval of the proposed ordinance as provided in Attachment D, with the addition grandfathering all uses available for existing or vested structures.
- 2) Recommend approval of the ordinance with additional changes as requested by the Commission.
- 3) Recommend denial of the ordinance due to concerns as listed by the Commission.

ATTACHMENTS:

- A. [Maps of Affected Properties](#)
- A1. [ACSAJA Maps](#)
- B. [Recommended By-right Uses with Staff Comment and Applicable Ordinance Definitions/Supplemental Regulations](#)
- C. [Summary of Proposed Ordinance Tables](#)
- D. [Proposed Ordinance Changes](#)