

**Albemarle County Planning Commission
October 30, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 30, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Vice Chair Pam Riley, Karen Firehock, Julian Bivins, Daphne Spain, Bruce Dotson and Jennie More. Absent were Tim Keller, Chair and Luis Carrazana, UVA representative.

Other officials present were J.T. Newberry, Economic Development Coordinator; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Margaret Maliszewski, Chief of Planning/Resource Management; Roger Johnson, Director of Economic Development; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, County Attorney.

Call to Order and Establish Quorum

Vice-Chair Pam Riley called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next item.

Public Hearing Items.

a. [ZTA201800006 Entrance Corridor – John Warner Parkway and Rio Road](#)

Planning Commission will hold a public hearing October 30, 2018 at 6:00 p.m. in the County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902, to receive comments on its intent to recommend adoption of an ordinance that would amend Section 30.6.2, Boundaries of the District, of Chapter 18, Zoning, of the Albemarle County Code, to add both (a) State Route 2500 (John Warner Parkway) (the “John Warner Parkway”) and (b) State Route 631 (Rio Road) between the Norfolk Southern Railway tracks and the John Warner Parkway, as arterial highways upon and along which an entrance corridor overlay district is established, and to add the date of adoption of this ordinance as an “applicable reference date.” Development on parcels within an entrance corridor overlay district is subject to design review as provided in Albemarle County Code § 18-30.6. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors, and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Margaret Maliszewski)

AND

b. [ZMA201800009 Entrance Corridor John Warner Parkway and Rio Road](#)

The Planning Commission will hold a public hearing October 30, 2018 at 6:00 p.m. in the County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902, to receive comments on its intent to recommend adoption of an ordinance to amend the zoning map, which is part of Chapter 18, Zoning, of the Albemarle County Code, to establish an entrance corridor overlay district (Section 30.6 of Chapter 18 of the Albemarle County Code) upon each parcel sharing a boundary at

any point with (a) State Route 2500 (John Warner Parkway) (the “John Warner Parkway”) or (b) State Route 631 (Rio Road) between the Norfolk Southern Railway tracks and the John Warner Parkway (“Rio Road East”), on the date of adoption of this ordinance and ZTA-2018-006, and upon each parcel within 500 feet of the right-of-way of the John Warner Parkway or Rio Road East that does not share a boundary at any point with the John Warner Parkway or Rio Road East, respectively, on the date of adoption of this ordinance and ZTA-2018-006. Development on parcels within an entrance corridor overlay district is subject to design review as provided in Albemarle County Code § 18-30.6. This proposed amendment would not affect the general usage and density range authorized by the applicable underlying zoning district regulations for each parcel. The general usage and density range of the land use designations in the comprehensive plan within the proposed John Warner Parkway and Rio Road East Entrance Corridors are as follows: (1) neighborhood density residential (residential, 3-6 units/acre, and supporting uses such as religious institutions, schools and other small-scale non-residential uses); (2) urban density residential (residential, 6.01-34 units/acre, and supporting uses such as religious institutions, schools, commercial, office and service uses); (3) urban mixed use in centers (retail, residential, commercial, employment, office, institutional, and open space); (4) institutional (civic uses, parks, recreational facilities, and similar uses on County-owned property); (5) public open space (recreation and open space uses); and (6) privately owned open space/environmental features (privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features). A copy of the zoning map is on file in the office of the Clerk of the Board of Supervisors, and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.
(Margaret Maliszewski)

Ms. Maliszewski said that tonight we are discussing the possibility of adding the John Warner Parkway and a portion of Rio Road East to the Entrance Corridor Overlay District. You are already familiar with this topic. She said at your March 6 meeting earlier this year, you voted to ask the Board of Supervisors (BOS) to consider adding the parkway to the overlay district. On July 11, the BOS adopted a Resolution of Intent to do that. She said the Parkway was reclassified as an arterial street in 2016 by the Federal Highway Administration, which classification is one of the two State enabling legislation criteria for local Entrance Corridor designation.

Ms. Maliszewski said the other criterion is that the proposed street must represent a significant route of tourist access to the locality or to designated historic sites within the locality or adjoining localities. She pointed out the Parkway connects with Rio Road East from Route 29 North to Downtown Charlottesville and Charlottesville is a locality with numerous historic sites and so the parkway qualifies under that criterion. She said Rio Road from Rt. 29 as far as the Norfolk Southern Railway tracks was designated an Entrance Corridor in 2005, the segment of Rio between the tracks and the Parkway is now also classified as an arterial street and so adding this segment to the Entrance Corridor Overlay District would make the corridor continuous.

Ms. Maliszewski said designation of these roads would apply Entrance Corridor Overlay zoning to adjacent parcels and property within 500’ of the right-of-way. She said that sometimes that is confusing so a diagram was included on the slide to detail how parcels are included in the overlay. She explained that parcels that are adjacent to the street are included to the full depth of the parcel and parcels that are not adjacent are included up to 500’ from the right of way. She said the addition of these streets as Entrance Corridors serves the public by maintaining the visual integrity of the streets, ensuring that new development along them is compatible with the historic character

of the County, and that enhances the quality of life in the County.

Ms. Maliszewski said that you are considering both a Zoning Text Amendment and a Zoning Map Amendment and so there is language in the ordinance that would be changed to make this happen. She said that language was included in your staff report and the zoning map would be updated accordingly. She said the Commission will be voting on two amendments and staff's recommendation is for adoption of both the ordinance and map amendments and have motion language when you are ready for it. She said we also have some additional photos if you would like to see them and enlarged maps if you need those for reference.

Ms. Riley invited questions for staff.

Mr. Dotson said since this is a County-initiated item is the abutting property owner notification process the same for this as for most rezonings, and Ms. Maliszewski replied yes.

Hearing no other questions, Ms. Riley opened the public hearing and asked Mr. Kamptner if we need to handle these separately.

Mr. Kamptner replied that you can open a single public hearing and there will be two actions at the end.

Ms. Riley opened the public hearing for both ZTA-2018-6 and ZMA-2018-9 and invited public comment.

Neil Williamson, with the Free Enterprise Forum, said right now your Entrance Corridor Ordinance is a mess and you have routes in that corridor that are not legal but they remain in the ordinance. He said there was a resolution of intent that was on a February agenda for the Board of Supervisors that was pulled from the consent agenda and never to be heard from again. In addition, you have design criteria that had not been reviewed in 8 years and these are structural problems. He said the people who deal with those structural problems are staff and the ARB who actually have no function in determining what roads become Entrance Corridors. He said he always likes to ask the question how many Entrance Corridors are enough since there are 22 Entrance Corridors, which was not the legislative intent when this came about. He said we believe that considering where the ordinance and design guidelines are today, which is something that he has heard this group talk about many times about the staff demands. He said the structural components are challenging because the Planning Commission brought forward this zoning text amendment, the regulations are not right, the Code is not right and it needs repair. He said in time he believes this is the right road to go in to complete the Corridor but this is not the time, and asked the Commission to please vote this down.

John Springett, a resident in Dunlora Subdivision, said he wished the world was perfect and we were up to date in everything we tried to do, but he disagrees with the last speaker in terms of waiting on this proposition since he thinks enough has been done, you have done hard work and he believes we should move ahead.

Pam Macintyre, resident on 446 Alwood Lane, said she did not understand how she was impacted by this and got a letter from you saying that she would be impacted by this. She asked who will give me more information.

Ms. Riley asked staff to answer her question.

Ms. Maliszewski explained that your property falls within the proposed overlay probably because it is within the 500 feet from the Parkway and the single-family detached residences do not undergo Architectural Review Board review so that property really would not be impacted. She said that the property falls within it but the additional design review regulations would not apply because of the zoning of your property, it is a single-family detached residence. She asked Mr. Kamptner if he wanted to weigh in on that.

Mr. Kamptner, County Attorney, said that your type of house or building is exempt from the regulations that are being adopted. He suggested that Ms. Macintyre arrange a time to talk with Margaret and look at the map.

Ms. Maliszewski pointed out if you still have that letter that my name and phone number are on it, and Ms. Macintyre replied okay, she would call.

There being no further public comment, Ms. Riley asked Margaret to take one minute to describe the concept of the overlay.

Ms. Maliszewski explained that an overlay is a district that overlays the underlying zoning so the underlying zoning is still there and just on top of that is the Entrance Corridor District and its regulations that go with it.

Ms. Firehock said it adds additional regulations on top of the underlying zoning similar to a historic district where you have a certain zoning but then there might be additional rules that apply. She said however, in this case it did not apply to single-family residential. She said it is really governing rules so if someone wants to erect a new commercial structure there they have to come in and see that their building design purports to the standards for it to be in an Entrance Corridor and those are mostly aesthetic standards.

Ms. Maliszewski pointed out that the vast majority of properties that are reviewed by the Architectural Review Board are commercial or multi-family residential.

Ms. Riley said at this point because this is a public comment period she would ask Ms. Macintyre come and meet with the staff about your specific property just so we can move on with the meeting but thank you. She invited other public comment. Hearing none, the public hearing was closed and the matter before the Commission for discussion.

Mr. Dotson said he was prepared to make a motion but did not want to close down the discussion.

Mr. Firehock commented that years ago when the Planning Commission was asked to weigh in on priorities for the Board of Supervisors to work on when we were working on the Comprehensive Plan that as the past Chair of the Planning Commission that she looked at strategies and the Commission specifically recommended looking at the standards for the Entrance Corridors and making much more detailed and thoughtful character driven standards. She said it would be much as Charlottesville had gone through when it went through the process of reviewing their Entrance Corridors by looking at the character of each Corridor and making more site contextually sensitive

recommendations. She said the Board of Supervisors at that time declined to take that up as a priority and so the Planning Commission unfortunately or fortunately, however you look at it, is not able to direct the Board of Supervisors to do things, we are only able to recommend and they did not agree to that recommendation. Therefore, she just wanted to say that for the record, we did understand the importance of that but it has not been mutually agreed to.

Ms. Maliszewski said that she would just add that staff and the ARB are interested in doing that as well but she thinks that we may be getting into some of that as we proceed with the Rio 29 work that might be able to lead to some additional updates.

Mr. Gast-Bray said that it is complex because the mechanisms that were originally envisioned with the original legislation really did not apply very well to what we were trying to achieve in the long run. He said that having a better tool and mechanistic structure that actually addresses what we are trying to achieve preserving special corridors and character that are not best served by the legislation under which we were doing that; so it was always a tough fit and we were challenged and always facing issues. He said hopefully with any new work we would be addressing a mechanism that will allow us to go forward.

Mr. Dotson said that he wanted to make a motion based on being consistent with the Comprehensive Plan, treatment with those properties that are located west of the railroad track and with tourism, one of the goals of our Economic Development Strategic Plan that we will be talking about shortly. He moved to recommend adoption of ZTA-2108-06 Entrance Corridor – John Warner Parkway and Road to the Board of Supervisors in response to the Planning Commission recommendation.

Ms. Firehock seconded the motion.

Ms. Riley invited further discussion.

Ms. More said that she was not opposed to moving forward with this but thinks what you just said makes me even more concerned about the need to revisit the design regulations and not letting that piece slip away from us. She noted that we have heard about it and your answer makes me a little more concerned that it is something that we need to revisit even though it does not make me not want to add this to it.

Mr. Gast-Bray said let me just say that this way all parties are in agreement that the segment that is being chosen in particular is not one of those corridors and this would not inhibit our ability to move forward in that way and repair those things and this was consistent with the original consideration of the matter. He said it is independent of your ruling tonight, the problems that we have fundamentally with the other ones.

Ms. More said we must acknowledge that they are there.

Ms. Riley asked for a roll call.

The motion passed by a vote of 6:0 (Keller absent).

Mr. Dotson moved that the Planning Commission recommend to the Board of Supervisors that they

adopt Zoning Map Amendment ZMA-2018-09 Entrance Corridor – John Warner Parkway and Rio Road.

Ms. Spain seconded the motion.

Ms. Riley invited further discussion. Hearing none, she asked for a roll call vote.

The motion passed by a vote of 6:0 (Keller absent).

Ms. Riley said both ZMA-2018-09 and ZTA-2018-6 was unanimously recommended for adoption and would be forwarded to the Board of Supervisors at a date to be determined.

The meeting moved to the next item.