

**COUNTY OF ALBEMARLE**  
**TRANSMITTAL TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<p><b>AGENDA TITLE:</b> ZTA 2018-02 Uses on commercially zoned properties not served by public water or approved central water supplies (previously referred to as "ZTA 2018-02 Commercial and Industrial Zoned Properties not served by public water or central water supply systems in the Rural Area of the Comprehensive Plan.")</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Amend the Zoning Ordinance to require a special use permit for automobile service stations, convenience stores, and restaurants in the C-1, CO, and HC zoning districts if they are not served by public water or an approved central water supply; to add uses that are allowed by-right in the Rural Areas zoning district to be allowed by-right in the C-1, CO, and HC zoning districts if they are not served by public water or an approved central water supply; and other related changes.</p>	<p><b>AGENDA DATE:</b> February 6, 2019</p> <p><b>STAFF CONTACT(S):</b> Richardson, Walker, Kamptner, Herrick, Fritz</p> <p><b>PRESENTER (S):</b> Bill Fritz</p>
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**BACKGROUND:**

At its meeting on December 11, 2018, the Planning Commission unanimously voted to recommend approval of ZTA 2018-02 with the recommendation that the ordinance include the language proposed in August 2018 to allow all by-right uses if they are within existing buildings. The Commission also recommended additional engagement of potentially impacted property owners.

**DISCUSSION:**

Staff has identified all properties zoned commercially that have a public water service designation of no service, limited service, or service only to existing structures. This resulted in 37 unique property owners being identified. Staff has notified those property owners of the proposed amendment and public hearing. It is not possible to identify all potentially impacted properties as there may be properties that are designated to have public water but cannot connect to public water due to cost or technical considerations.

The attached draft proposed ordinance includes the change recommended by the Planning Commission, to include a provision allowing by-right uses within existing structures not served by public water or a central water supply.

Staff has also made minor changes to the ordinance. These changes are technical clarifications or organizational and are not significant and do not change the nature or impact of the amendment.

The Planning Commission noted that this amendment does not address the 400 gallons/day/acre issue for all uses and recognized that this is a first step in the process of addressing the issue. The Commission noted that, to be consistent with the Comprehensive Plan for the Rural Area, change should occur slowly.

**RECOMMENDATIONS:**

The Planning Commission and staff recommend that the Board adopt the attached Ordinance to approve ZTA 2018-02.

**ATTACHMENTS:**

- A – Planning Commission staff report
- B – December 11, 2018 Planning Commission Action Letter
- C – December 11, 2018 Planning Commission minutes
- D – Letters from the public
- E – Proposed Ordinance