FINAL ACTIONS Planning Commission Meeting of June 20, 2017	
June 21, 2017	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. **Call to Order.** • Meeting called to order at 6:00 p.m., by Chair, Mr. Keller. Commissioners present were Spain, Riley, More, Dotson, and Lafferty. Absent were Palmer, UVA Rep. and Firehock, Vice-Chair. Also present were Rachel Falkenstein, Amelia McCulley, Frank Pohl, David Benish, Ron Higgins, Sharon Taylor, Andrew Gast-Bray and John Blair.	
2. **Other Matters Not on the Agenda from the Public.** • There were none.	
3. **Consent Agenda** **a. Resolution of Intent**: Housekeeping II **b. Approval of Minutes:** November 22, 2016, December 13, 2016 and March 7, 2017 **APPROVED,** by a vote of 6:0, (Firehock absent) as shown in Attachment 1.	Clerk: Set public hearing as per Resolution of Intent for Housekeeping II to make recommendation to the Board of Supervisors at the earliest possible date. Finalize minutes as noted in actions.
3a. **Public Hearing Items** **ZMA-2015-00006 Shadwell Estates (Sign 35 & 36)** MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 079000000023F0 LOCATION: Located on North Milton Road (Route 729) across from Stone Robinson Elementary School. PROPOSAL: To amend the proffers for approved ZMA1977-24 to allow up to 7 residential lots. Critical slopes waiver is requested. PETITION: Request to amend proffers for ZMA1977-24 on property zoned Planned Residential Development (PRD) which allows residential (3-34 units/acre) with limited commercial uses. OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH) PROFFERS: YES COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural,	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval of ZMA, private street authorization and summary of concerns as noted in the actions.

	historic and scenic resources; residential (0.5 unit/ acre in development lots). (Rachel Falkenstein) **RECOMMEND approval** of ZMA-2015-00006, by a vote of 5:1:1 (Keller nay) (Firehock absent) with revisions to proffers and application plan as recommended by staff and shown in Attachment 2. **APPROVED Private Street Request**, by a vote of 5:1:1 (Keller nay) (Firehock absent), for ZMA-2015-00006 with the private street in the location shown on the application plan. **APPROVED**, by a vote of 6:0 (Firehock absent), that the action summary reflect three concerns expressed by the Planning Commission, with an amendment for a modification to the third concern, as shown in Attachment 2.	
3b.	**SP-2017-00006 Westfield Road (Sign 39)** MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 061W0-01-0C-00600 LOCATION: 450 Westfield Road. PROPOSAL: Motor vehicle sales PETITION: Motor vehicle sales under Section 22.2.2(8) of the Zoning Ordinance. ZONING: C1 Commercial which allows retail sales and service; residential by special use permit (15 units/ acre) OVERLAYS: Entrance Corridor, Airport Impact Overlay, Managed Slopes COMPREHENSIVE PLAN: Urban Mixed Use in Neighborhood Center which allows commercial, retail, and employment uses with supporting residential (3-20 units/acre). (Rachel Falkenstein) **RECOMMEND APPROVAL,** by a vote of 6:0 (Firehock absent), of SP-2017-00006 with the conditions recommended by staff as shown in Attachment 3.	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

3.	**a. ZTA 2016-00006 Housekeeping** – The Planning Commission will hold a public hearing on June 20, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 18-35.5 to waive the zoning text amendment or special use permit fee for a nonconforming use which possesses an Albemarle County business license and has operated continuously at the same location for at least fifteen years and has paid all real estate, business license, and personal property taxes related to such use; Amend Section 18-32.6 to clarify that specifications for recreational facilities comply with Sections 18-4.16-4.16.3; Amend Sections 18-4.15.3, 18-4.15.5, 18-4.15.8, 18-4.15.9, 18-4.15.10, and 18-4.15.11 to amend the definition of advertising vehicle, to establish criteria for a sign permit exemption for qualifying advertising vehicles, to prohibit certain advertising vehicles from displaying signs, exempt certain advertising vehicles from maximum sign number, area, height, and minimum sign setback regulations in Sections 18-4.15.9, 18-4.15.10, and 18-4.15.11, and prohibit certain advertising vehicles in all zoning districts that do not meet the criteria in amended Section 18-4.15.5; Amend Section 18-5.1.11 to remove duplicative language concerning commercial kennels and veterinary and animal hospitals and to clarify the maximum decibel level from all confinements; Amend Section 18-5.1.20 to clarify that underground storage tanks and loading facilities served by the public water supply are not subject to a 100 foot lot line setback applicable to above ground storage tanks and loading facilities; Amend Sections 18-3.1 and 18-5.8 to clarify that the term industrialized building encompasses the term temporary nonresidential mobile home and replace the term temporary nonresidential mobile home with the term temporary industrialized building;	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

	Remove condominiums as a by-right or special permit use in Section 18-20B.2; Remove the terms sanitariums, convalescent homes, and rest homes from Sections 18-3.1, 18-4.12.6, 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18-2.2, 18-20.3.2, 18-20B.2, 18-20B.4, and 18-24.2.2; To amend Sections 18-3.1, 18-10.2.1, 18-10.2.2, 18-12.2.1, 18-13.2.1, 18-14.2.1, 18-15.2.1, 18-16.2.1, 18-17.2.1, 18-18-2.1, and 18-19.3.1 amend the definition of group home, delete the definition of home for developmentally disabled persons, establish group homes as a by-right use in the Rural Areas zoning district, and remove the term homes for the developmentally disabled from the Albemarle County Code; Establish a thirty-five foot maximum structure height in cluster developments located in the R-1, Residential, zoning district; Amend Section 18-22.2.2 to remove fast food restaurant as a use authorized by a special use permit; Amend Section 18-23.2.2 to remove research and development activities and medical or pharmaceutical laboratories as a use authorized by special use permit; Amend Section 18-21.7 to permit commercial zoning district construction activity without a buffer zone when the construction activity occurs in a commercial zoning district across the street from a residential or rural areas zoning district; Amend Section 18-3.1 to establish a definition for temporary family health care structures and to establish Section 18-5.1.62 to establish regulations for temporary family health care structures; Amend Sections 18-30.3.5, 18-30.3.15 and 18-30.3.17 to amend the definition of accessory structure in the Flood Hazard Overlay District, establish regulations for accessory structures located in the floodplain, and establish a variance process for accessory structures larger than 200 square feet but not exceeding 600 square feet to locate in the floodplain; Amend Section 18-30.3.11 to	

	establish a definition of fine grading and to permit flood control, stormwater conveyance, and environmental restoration projects in the floodway and floodway fringe if the projects do not change the base flood plain elevation or horizontal limits to the flood plain; Amend the maximum height regulations to clarify stepback requirements in Sections 18-18-8, 18-17.8, 18-19.7, 18-21.4, and 18-20.8.4; Amend section 18-3.1 to add the definition of religious assembly use; Amend sections 18-3.1, 18-4.12.6, 18-5.1.27, 18-10.2.2, 18-12.2.2, 18-13.2.2., 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2., 18-18-2.2, 18-19.3.2, 18-20.3.2, 18-20B.2, 18-22.2.1, 18-23.2.1, 18-24.2.1, and 18-30.2.5.1to replace the term church with the term religious assembly use; Amend Section 18-4.19 establishing new infill and non infill setback and stepback requirements; and Amend Section 18-4.20 establishing new setback and stepback requirements; Amend Section 18-10.2.2 by removing the reference to adjunct cemetery; and Amend the maximum height regulation in section 18-26.4 to clarify stepback requirements and remove a reference to standard ratios. A copy of the full text of the proposed ordinance amendments 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. (Amelia McCulley) ***AND*** **b. STA 2016-00003 Housekeeping** – The Planning Commission will hold a public hearing on June 20, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 14-403 to clarify that each lot in a subdivision shall have frontage on an existing or proposed public or private street. A copy of the full text of the proposed ordinance	

	amendments 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. (Amelia McCulley) **RECOMMEND APPROVAL,** by a vote of 6:0 (Firehock absent), of ZTA-2016-00006 and STA-2016-00003 except for the portions dealing with nursing homes, convalescent homes, sanitariums, rest home and Hospice.	
5.	**Committee Reports** The following committee report was given: ***Pam Riley***: Reported 5th Street/Avon CAC met and had general discussion about presentation on alternatives regarding trails to Monticello from Charlottesville. ***Bruce Dotson***: Reported the Places29/Rio CAC having field trip Thursday to drive around area. Anyone interested contact Emily Kilroy. The PFRA met and held discussion on more formally recognizing public input as part of the process. It will be discussed at the next meeting on the second Thursday in July. ***Daphne Spain***: Reported she did not attend the Places29-North meeting but learned there was a presentation by two staff members at TJPDC about the bike/pedestrian pathway plans for County. ***Tim Keller***: Reported the Places 29-Hydraulic CAC had a drive around to view the area.	
6.	**Review of Board of Supervisors Meeting** – June 14, 2017 Andrew Gast-Bray reviewed actions taken by Board on June 14, 2017.	
9.	**Old Business.**	

	• None	
10.	**New Business.** Proposed joint meeting with the Board of Supervisors to discuss Rio/29 SAP on Tuesday, August 15, 2017 in Conference Room 241 at 6:00 p.m. Discussion of Upcoming Meetings in July, 2017: • No meeting on June 27, 2017 or July 4, 2017. <u>Tim Keller announced</u>: • Next Planning Commission Meeting on Tuesday, July 11, 2017. •	
11.	Adjourn to July 11, 2017 Planning Commission meeting at 6:00 p.m., Auditorium, COB McIntire. • The meeting was adjourned at 8:00 p.m.	

/sct

Attachment 1 – Consent Agenda - Housekeeping II – PC Adopted Resolution of Intent
Attachment 2 – ZMA-2015-00006 Shadwell Estates – Planning Commission Recommendation
Attachment 3 - SP-2017-00006 450 Westfield Road – Planning Commission Recommendation
Attachment 4 – ZTA-2016-00006 and STA-2016-00003 Housekeeping – Planning Commission Recommendation

ATTACHMENT 1

Consent Agenda - Housekeeping II – PC Adopted Resolution of Intent

RESOLUTION OF INTENT

WHEREAS, the Zoning Ordinance (Albemarle County Code, Chapter 18) was adopted in 1980 and it has been amended numerous times since; and

WHEREAS, periodically, amendments to the Zoning Ordinance are needed to incorporate the requirements of recently-enacted State laws, to clarify requirements, correct errors, update references to other laws and to County departments and officers, and to make other minor technical changes designed to clarify the regulations and improve their implementation**.**

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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ATTACHMENT 2

ZMA-2015-00006 Shadwell Estates

RECOMMEND Approval of ZMA-2015-00006, by a vote of 5:1:1 (Keller nay) (Firehock absent) with revisions to proffers and application plan as recommended by staff, as follows:

Recommendations (proffers)

1. The proffers should reference the application plan and significant features such as the amount and location of open space and a maximum number of lots.
2. The tree preservation easement should be a separate proffer and should indicate who approves the deed restrictions (County Engineer and County Attorney).
3. Proffer 2 should be edited for clarity. Language should be added stating the dam is required to be certified by DCR's Division of Dam Safety and to comply with all recommendations of DCR for dam repairs, maintenance and operations prior to approval of the first subdivision plat.
4. Consider adding a proffer to require architectural review of the residences under the HOA to ensure architectural compatibility with the Clifton Inn and CDD staff review of the HOA architectural standards prior to recordation of the first subdivision plat.
5. Technical fixes to the proffers are needed.

Recommendation (application plan)

1. The tree preservation area should be extended to cover all areas of critical slopes and required stream buffer on private lots.
2. Language referencing that Area Z and Area Y will revert back to RA zoning should be removed from the plan (these areas will remain zoned PRD).
3. All special exceptions should be listed on the application plan (critical slopes, building site modification, increased maximum setback) and the private street authorization.
4. Consider adding a note to allow a reduction in the number of lots and increased lot sizes, in case adjustments are needed to find suitable well and septic sites.

Private Street Approval

APPROVED, by a vote of 5:1:1 (Keller nay) (Firehock absent), the private street request for ZMA-2015-00006 with the private street in the location shown on the application plan.

Amendment to Action Summary Motion Condition 3

APPROVED, by a vote of 6:0 (Firehock absent), an amendment to the previous motion that the map provided to the Board with the action summary also include the various Comprehensive Plan elements of blue and green infrastructure.

Action Summary Action

APPROVED, by a vote of 6:0 (Firehock absent), that the action summary reflect the three concerns expressed by the Planning Commission as follows:

1. Alternative septic system maintenance.
2. The probability of tree removal easement violations.

3. A desire to see a comprehensive map that shows not only this development but also the anticipated development on the balance of the properties associated with this ownership, **and the various Comprehensive Plan elements of blue and green infrastructure. (Note: The map is not a requirement for the applicant to provide and should be provided by staff.)**

ATTACHMENT 3

SP-2017-00006 Westfield Road – Planning Commission Recommendation

RECOMMEND APPROVAL, by a vote of 6:0 (Firehock absent), of SP-2017-0006 Westfield Road approval of SP-2017-00006 Westfield Road with conditions recommended by staff, as follows:

1. Development and use shall be in general accord with the following revised plans prepared by Shimp Engineering, Sheet C3 (3 of 3 in special use permit plan set) dated May 15, 2017 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
    a. Location of proposed parking and display areas
    b. Landscaping and screening along Westfield Road

    Minor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

ATTACHMENT 4

ZTA-2016-00006 and STA-2016-00003 Housekeeping – Planning Commission Recommendation

The Commission recommends approval of the draft ordinances found in Attachments C and D of the staff report with the exception of the portions dealing with nursing homes, convalescent homes, sanitariums, rest home and Hospice.

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