

ACTIONS
Board of Supervisors Meeting of February 10, 2010

February 17, 2010

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 5:59 p.m. by the Chair, Ms. Mallek. Mr. Dorrier arrived at 6:03 p.m. Also present were Bob Tucker, Larry Davis, and Meagan Hoy. 	
4. From the Board: Matters not Listed on the Agenda. <u>Rodney Thomas:</u> <ul style="list-style-type: none"> Handed out information from DIA-NGIC. <u>Ken Boyd:</u> <ul style="list-style-type: none"> There will be no amnesty day at the Ivy Landfill for fallen branches from the recent snowstorm, but the Landfill will accept vegetated material and shred it for their normal fee. 	
5. From the Public: Matters not Listed for Public hearing on the Agenda. <ul style="list-style-type: none"> There were none. 	
6.2. Resolution of Support – Journey Through Hallowed Grounds Partnership's Civil War 150 th Living Legacy Program. <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the attached resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Jennifer Worcester Moore. (Attachment 1)
7. Amend the Albemarle County Service Authority jurisdictional areas to add Tax Map, Parcel 32,5C4 for water and sewer service in the Piney Mountain Development Area. <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the amendment to the ACSA Jurisdictional Area to include Tax Map 32, Parcel 5C4, for water and sewer service. 	<u>David Benish:</u> Proceed as approved.
8. <u>SP-2008-00035. Covesville Church (Sign #55).</u> <ul style="list-style-type: none"> APPROVED SP-2008-00035, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)
9. <u>SP-2009-00017. Hugs and Kisses Day Camp and Hotel for Dogs (Sign #10).</u> <ul style="list-style-type: none"> APPROVED SP-2008-00017, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)
10. <u>SP-2009-00021. Comcast Facility Expansion (Sign #77).</u> <ul style="list-style-type: none"> APPROVED SP-2009-00021, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)
11. <u>SP-2009-00022. Daylily Preschool (Signs #21&24).</u> <ul style="list-style-type: none"> APPROVED SP-2009-00022, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)
12. <u>STA-2009-00001. Division of Land with Existing Dwellings.</u> <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the attached ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Mark Graham, Amelia McCulley, Bill Fritz, and County Attorney. (Attachment 3)
13. <u>ZTA-2009-00020. Regulating Construction of</u>	<u>Clerk:</u> Forward copy of signed ordinance to

<p><u>Multiple Dwellings on a Single Parcel.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the attached ordinance. 	<p>Mark Graham, Amelia McCulley, Bill Fritz, and County Attorney. (Attachment 4)</p>
<p>14. <u>PROJECT: ZMA-2005-00003. UVA Research Park (Sign #18).</u></p> <ul style="list-style-type: none"> • DEFERRD, by a vote of 6:0, to March 10, 2010. 	<p><u>Clerk:</u> Advertise and schedule on March 10, 2010 agenda.</p>
<p>15. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Larry Davis:</u></p> <ul style="list-style-type: none"> • Handed out an informational packet on current legislative bills. 	
<p>16. Adjourn.</p> <ul style="list-style-type: none"> • At 6:40 p.m., the meeting was adjourned to Thursday, February 25, 2010, 11:00 a.m., Lane Auditorium. 	

/mrh

Attachment 1 – Resolution of Support – Journey Through Hallowed Grounds Partnership’s Civil War 150th Living Legacy Program.

Attachment 2 – Planning conditions of approval.

Attachment 3 – Ordinance No. 10-14(1).

Attachment 4 – Ordinance No. 10-18(2).

**RESOLUTION OF SUPPORT
JOURNEY THROUGH HALLOWED GROUND PARTNERSHIP'S
CIVIL WAR 150TH LIVING LEGACY PROGRAM**

WHEREAS, the Journey Through Hallowed Ground Partnership (JTHG) is a non-profit organization dedicated to raising national awareness of the unparalleled history in the region, which generally follows the Old Carolina Road (Rt. 15/231) from Gettysburg, through Maryland, to Monticello in Albemarle County, Virginia; and

WHEREAS, JTHG has built a strong network of local, regional, and national partners to develop a common vision for the conservation and enhancement of the scenic, historic, recreational, cultural, and natural characteristics of the region. Additionally JTHG has developed an education outreach program to all students and teachers within the region and nationwide; and

WHEREAS, JTHG has created a heritage tourism program that will provide economic development opportunities through regional branding and cooperative marketing in communities throughout the corridor; and

WHEREAS, the U.S. Secretary of Transportation, Ray LaHood, designated the 180-mile long thoroughfare running through the Journey, from Gettysburg, Pennsylvania, to Monticello, a National Scenic Byway. This is one of the highest designations the Secretary can bestow upon a public road and one that could have a profound economic impact on the local jurisdictions along the Journey Through Hallowed Ground; and

WHEREAS, the JTHG Partnership seeks to commemorate the Sesquicentennial of the Civil War with a legacy project of national significance. During the Civil War, 620,000 American Soldiers died, many on the battlefields within in the JTHG National Heritage Area. This "Living Legacy" project will commemorate the individual and combined sacrifices of the fallen. The JTHG Plan is to plant one tree for each citizen who sacrificed their life to create this union, at a set pace along the 180-mile Route 15/231 corridor. The trees will appear as soldiers in formation, from Monticello to Gettysburg. The intention of this "eloquent and simple plan" is to create a living legacy, a constant reminder to every citizen as they drive this route, of the sacrifices made by fellow Americans. This project will stand as a living legacy for our Countrymen who gave "the last full measure" to define our Union; and

WHEREAS, this project further lends itself to a national service learning program as students from around the country may research the fallen from their community, learn their stories, and dedicate a tree in their honor; and

WHEREAS, there is no fiscal impact to the endorsement of this program;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby support the Journey Through Hallowed Ground's Civil War 150th Living Legacy Program to assist the Partnership as it seeks to obtain grant funding for this signature program.

Conditions of Approval on Planning Items**SP- 2008-00035 Coveseville Church:**

1. Development of the use shall be in conformity with the Conceptual Plan entitled, "First Baptist Church Coveseville: New Sanctuary Building," prepared by Keeney & Co. Architects, and dated October 9, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in conformity with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- limits of disturbance,
- building orientation,
- building mass and shape,
- location of buildings and structures, and
- location of parking areas

as shown on the Conceptual Plan.

Minor modifications to the Conceptual Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. The area of assembly shall be limited to a maximum of a one hundred eighty (180)-seat sanctuary;
3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. Health Department approval shall be obtained prior to site plan approval; and
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to site plan approval and the commencement of the special use.

SP-2009-00017. Hugs and Kisses Day Camp and Hotel for Dogs:

1. Development of the use shall be in accord with the conceptual plan titled "SP200900017 Hugs & Kisses Dog Care" prepared by the applicant and submitted on September 21, 2009 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. To be in accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:

- Areas noted "where dogs allowed" within fenced areas,
- Gate at entrance,
- Pond, and
- Two structures: residence and barn

as shown on the Conceptual Plan.

Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum number of dogs attending the Hugs & Kisses daytime camp shall be twenty (20) dogs at any one time (does not include personal pets owned by the applicant);
3. The maximum number of dogs attending the hotel (overnight) shall be five (5) dogs (not including personal pets owned by the applicant) at any one time;
4. Dogs boarding overnight shall be kept inside between the hours of 10:00 P.M. and 6:00 A.M., except for occasional supervised trips outside;
5. The hours of operation for the Dog Camp (day care) shall not begin earlier than 9:00 A.M. and shall end not later than 5:00 P.M., each day, Monday through Friday;
6. An on-site sign for the dog care business shall not be permitted;

7. Transport of the dogs to and from the site shall be by the applicant, except in emergency situations;
8. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval; and
9. Dogs attending the daytime camp or boarding overnight shall not howl, bark or make other animal noise that is audible from any other parcel which continues for thirty (30) consecutive minutes or more with no cessation of the sounds for greater than five (5) minutes during the thirty (30) consecutive minute period.

SP-2009-00021. Comcast Facility Expansion:

1. The proposed four hundred eighty (480) square foot addition [16'x 30'] to the existing unmanned Comcast cable network facility must be developed in general accord with the concept plan prepared by Engineering solutions with a revision date of 09/30/2009;
2. The proposed Building size addition approved by this special use permit shall be limited to 16' x 30';
3. Building shall have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing. Trespass fencing and other safety measures shall be required at the time of the site plan review;
4. No additional satellite dishes shall be added to the site; and
5. All elements of the site plan shall be reviewed by the Current Development Division. Please note that the conditions of previous special use permits remain in effect.

SP-2009-00022. Daylily Preschool:

1. Development of the use shall be in accord with the conceptual plan titled "Special Use Permit 200900022 Daylily Preschool" prepared by the County of Albemarle, signed by the applicant and dated December 4, 2009 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - location of buildings and preschool
 - location of parking area and entrance to be used for the preschool
 - relation of buildings and parking to the street

as shown on the plan.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum enrollment shall not exceed 10 children, without approval of an amendment to this special use permit;
3. The hours of operation for the preschool shall not begin earlier than 8:00 A.M. and shall end not later than 1:00 P.M. each day, Monday through Friday;
4. The use shall not operate without the required licensure by the Virginia Department of Social Services, as required by Section 5.1.06 of the Zoning Ordinance; and
5. The building shall be accessible for the Albemarle County fire official to allow periodic inspections of the premises, at his/her discretion.

ORDINANCE NO. 10-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, AND ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 14, Subdivision of Land, Article III, Subdivision Plat Requirements and Documents to be Submitted, and Article IV, On-Site Improvements and Design, is hereby amended and reordained as follows:

By Amending:

- Sec. 14-316 Approval of entrance onto public streets
- Sec. 14-400 Minimum lot requirements
- Sec. 14-403 Lot frontage
- Sec. 14-404 Lot location to allow access from lot onto street or shared driveway

Chapter 14. Subdivision of Land

Article III. Subdivision Plat Requirements and Documents to be Submitted

Sec. 14-316 Approval of entrance onto public streets.

The subdivider shall submit, prior to or with the final plat, evidence satisfactory to the agent that the entrance of the principal means of access for each lot onto any existing or proposed public street complies with Virginia Department of Transportation standards; provided that this requirement shall not apply to any subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

Article IV. On-Site Improvements and Design

Sec. 14- 400 Minimum lot requirements.

Each lot within a subdivision shall satisfy the minimum lot requirements established in the zoning ordinance; provided that no street frontage or lot access requirement shall apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(§ 18-29 (part), 9-5-96, 8-28-74; § 18-34 (part), 9-5-96, 8-28-74; 1988 Code, §§ 18-29, 18-34; Ord. 98-A(1), 8-5-98, § 14-500; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2241(3).

Sec. 14-403 Lot frontage.

Each lot within a subdivision shall have frontage on an existing or proposed street; provided that this requirement shall not apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(§ 18-30 (part), 9-5-96, 8-28-74; § 18-36, 9-5-96, 8-28-74; 1988 Code, §§ 18-30, 18-36; Ord. 98-A(1), 8-5-98, § 14-504; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2241(3).

Sec. 14-404 Lot location to allow access from lot onto street or shared driveway.

Each lot within a subdivision shall be located as follows:

A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.

B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a waiver under subsection (C); (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in sections 14-410(F) and 14-410(G); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the waiver does not violate any covenants to be recorded for the subdivision.

C. *Lots exempt from requirements of subsections (A) and (B).* The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

D. *Standards for waiver.* The requirements of subsection (A) may be waived by the agent as provided in section 14-224.1. A request for a waiver may be made prior to or with submittal of a preliminary or final plat, as follows:

1. *Information to be submitted.* A request shall include a justification for the waiver and a conceptual plan. The conceptual plan shall: (i) be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, stream buffers, critical slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.

2. *Consideration and findings.* In reviewing a waiver request, the agent shall consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, stream buffers, critical slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the waiver would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the waiver would facilitate development of areas identified in the open space plan as containing significant resources. In approving a waiver, the agent shall find that requiring the extension would not forward the purposes of this chapter or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, and to the land adjacent thereto.

E. *Terms defined.* For purposes of this section, the term "reasonable access" means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term "within the subdivision" means within the exterior boundary lines of the lands being divided.

(§ 18-36 (part), 9-5-96, 8-28-74; § 18-39 (part), 9-5-96, 10-19-77, 5-10-77, 8-28-74; 1988 Code, §§ 18-36, 18-39; Ord. 98-A(1), 8-5-98, §§ 14-500(C), 14-505; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

State law reference--Va. Code § 15.2-2241(5).

ORDINANCE NO. 10-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, of the Code of the County of Albemarle is amended and reordained as follows:

By Amending:

Sec. 32.2 When site plan is required; waiver of drawing of site plan

Chapter 18. Zoning

Article IV. Procedure

Sec. 32.2 When site plan is required; waiver of drawing of site plan

A site plan meeting the requirements of section 32 and all other applicable regulations shall be required as follows:

- a. *When required.* A site plan shall be required for any construction, use, change in use or other development in all zoning districts; provided that no site plan shall be required for the following:
 1. The construction or location of any single-family detached dwelling on a lot on which not more than two (2) dwellings are located or proposed to be located if the lot has public street frontage, or the construction or location of one (1) dwelling unit on a lot that does not have public street frontage.
 2. The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.
 3. Any structure that is accessory to a single-family detached or two-family dwelling.
 4. Any agricultural activity except as otherwise provided in section 5.
 5. Any change in or expansion of a use provided that: (i) the change or expansion does not require additional parking under section 4.12 of this chapter; (ii) no additional ingress/egress or alteration of existing ingress/egress is required by the Virginia Department of Transportation based on the intensification of the use; and (iii) no additional ingress/egress or the alteration of existing ingress/egress is proposed by the developer. (32.2.1, 1980)
- b. *Waiver of certain details of site plan by the commission.* After providing notice as provided by section 32.4.2.5, the commission may waive certain details of a site plan otherwise required by sections 32.5 and 32.6 in a particular case upon a finding that the details waived would not forward the purposes of this chapter or otherwise serve the public interest; provided that no such waiver shall be made until the commission has considered the recommendation of the agent. The agent may recommend approval, approval with conditions, or denial of the waiver. If the agent recommends approval of the waiver with conditions, he shall state the relationship of the recommended condition to the provisions of this section. No condition shall be imposed which could not be imposed through the application of the regulations of section 32. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived. (32.2.2, 1980; Amended 5-1-87)

- c. *Waiver of certain details of site plan by the agent.* In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive certain details of a site plan otherwise required by sections 32.5 and 32.6 if: (i) the site review committee finds that all of the details required by sections 32.5 and 32.6 are not necessary for its review of the proposed development; and (ii) the zoning administrator, in consultation with the county engineer and the manager of zoning enforcement, finds that the details waived are not necessary to determine that the site is developed in compliance with this chapter and all other applicable regulations. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived.

(12-10-80, §§ 32.2, 32.2.1, 32.2.2; 5-1-87; Ord. 09-18(1), 1-14-09, § 32.2)