

**FINAL ACTIONS**  
**Planning Commission Meeting of February 28, 2011**

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>FOLLOW-UP ACTION</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 6:00 p.m. by Calvin Morris, Chairman.</li> <li>• PC members present were Mr. Morris, Mr. Loach, Mr. Dotson, Mr. Randolph, Mr. Franco, Mr. Smith, and Mr. Lafferty. Ms. Monteith was absent.</li> <li>• Staff present was Scott Clark, Joanne Tu Purtszova, Christopher Perez, Megan Yaniglos, Glenn Brooks, Ron Higgins, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner.</li> </ul>	
<p>2. <b>From the Public: Matters Not Listed for Public Hearing on the Agenda.</b></p> <p>Neil Williamson, with Free Enterprise Forum, noted that the State Code is rather specific in establishing the responsibility of the Planning Commission to recommend the Comprehensive Plan. He spoke regarding a presentation at last week's MPO meeting on a federal grant project to develop a housing affordability and transportation index for the Thomas Jefferson Planning District. He expressed concern that, based on questions asked at the meeting, this work would be used to develop recommendations in the County's Comprehensive Plan without any opportunity to question the data being developed and no input from the Planning Commission. He re-emphasized that the Comprehensive Plan is the responsibility of the Planning Commission to bring forward to the Board. He asked the Commission to ask more questions.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• No action required</li> </ul>
<p>3. <b>Deferred Item</b></p> <p><b><u>SP-2010-00042 David Brown Auto Detailing and Repair</u></b></p> <p>PROPOSED: Special Use Permit for a public garage with auto detailing and repair  ZONING CATEGORY/GENERAL USAGE: Rural Areas (RA) - agricultural, forestal and fishery uses  SECTION: 10.2.2 (37) Public garage  COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources / density .5 units / acre of development lots  ENTRANCE CORRIDOR: No LOCATION: 599 Rocky Hollow Rd. (Rt. 769); east of Stony Point Rd. (Rt. 20)</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – Recommend Approval of SP-2010-00042 subject to conditions recommended by staff, as amended and outlined in <b>Attachment 1</b>.</li> <li>• The matter will be forwarded to the Board of Supervisors to a date to be determined.</li> </ul>

<p>TAX MAP/PARCEL: 06200000076A1 MAGISTERIAL DISTRICT: Rivanna (Scott Clark)</p> <p><b>RECOMMEND APPROVAL OF SP-2010-00042</b>, by a vote of 7:0, with conditions recommended by staff, as amended and outlined in <b>Attachment 1</b>.</p>	
<p>7. <b>Public Hearing Items</b></p> <p><b><u>SP-2011-00031 Greenbrier Emergency Hospital</u></b> PROPOSED: Request to amend SP-2009-00030 to extend veterinary services to include specialty medical care and expand the space in the existing building. The emergency animal hospital use remains. No residential units proposed. ZONING CATEGORY/GENERAL USAGE: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre) and C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) AIRPORT IMPACT AREA: Yes ENTRANCE CORRIDOR: Yes SECTION: Sections 22.2.2.5 and 24.2.2.4 of the Zoning Ordinance which allows for veterinary office and hospital uses. COMPREHENSIVE PLAN LAND USE/DENSITY: Office/R&amp;D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1 of the Places 29 Master Plan LOCATION: 370 Greenbrier Dr. approximately 675 feet west of the intersection of Greenbrier Drive and Route 29 (Seminole Trail) TAX MAP/PARCEL: 061W0-01-0A-00500 MAGISTERIAL DISTRICT: Rio (Joanne Tu Purtsezova)</p> <p><b>RECOMMEND APPROVAL OF SP-2011-00031</b>, by a vote of 7:0, with the conditions recommended by staff, as amended and outlined in <b>Attachment 2</b>.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – Recommend Approval of SP-2011-00031, by a vote of 7:0, with the conditions recommended by staff, as amended and outlined in <b>Attachment 2</b>.</li> <li>• The matter will be forwarded to the Board of Supervisors to a date to be determined.</li> </ul>
<p>8. <b><u>SP-2011-00029 Verizon Wireless, Keswick – Tier III PWSF</u></b> PROPOSED: Special use permit amendment request to SP-2004-00039 because the conditions of approval limit the antennas number and size on the tower to those that were shown on the original construction drawing. The proposal consists of collocation of three new antennas and relocation of three antennas in an existing array on an existing tower, as well as the</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – Recommend Approval of Modifications to Sections 5.1.40(c)(3)i and (c)(3)ii for SP-2011-00029 for reasons outlined in the staff report and summarized in <b>Attachment 3</b>.</li> <li>• Action Letter – Recommended Approval of SP-2011-00029, by a vote of 7:0, with the conditions recommended by staff as outlined in <b>Attachment 3</b>.</li> <li>• The matter will be forwarded to the Board of Supervisors to a date to be determined.</li> </ul>

<p>location of associated ground equipment.  <b>ZONING CATEGORY/GENERAL USAGE:</b>  (RA) Rural Areas – agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  <b>SECTION:</b> 10.2.2(48) which allows for Tier III personal wireless service facilities in the RA Zoning District.  <b>COMPREHENSIVE PLAN LAND USE/DENSITY:</b> Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).  <b>ENTRANCE CORRIDOR:</b> YES  <b>LOCATION:</b> 4464 Richmond Rd. Keswick  <b>TAX MAP/PARCEL:</b> 09400-00-00-041A1  <b>MAGISTERIAL DISTRICT:</b> Scottsville  (Christopher Perez)</p> <p><b>RECOMMEND APPROVAL OF MODIFICATIONS</b> to Sections 5.1.40(c)(3)i and (c)(3)ii, by a vote of 7:0, for reasons outlined in the staff report and summarized in <b>Attachment 3</b>.</p> <p><b>RECOMMEND APPROVAL OF SP-2011-00029</b>, by a vote of 7:0, with the conditions recommended by staff, as outlined in <b>Attachment 3</b>.</p>	
<p><b>The Planning Commission took a break at 7:19 p.m. The meeting reconvened at 7:31 p.m.</b></p>	
<p>9. <b>ZMA-2011-00005 Greenbrier Commons</b>  <b>PROPOSAL:</b> Rezone 2.000 acres from Light Industry (LI) zoning district which allows industrial, office, and limited commercial uses (no residential use) to Neighborhood Model (NMD) zoning district which allows residential (3-34 units/acre) mixed with commercial, service and industrial uses. No residential units proposed.  <b>ENTRANCE CORRIDOR:</b> NO  <b>PROFFERS:</b> NO  <b>COMPREHENSIVE PLAN:</b>  Office/R&amp;D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1.  <b>LOCATION:</b> 340 Greenbrier Drive, Charlottesville, VA.  <b>TAX MAP/PARCEL:</b> 061W0010A00800  <b>MAGISTERIAL DISTRICT:</b> Rio  (Megan Yaniglos)</p> <p><b>RECOMMENDED APPROVAL OF ZMA-2011-00005</b>, by a vote of 7:0, for the</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – Recommend approval of ZMA-2011-00005 for the reasons stated in the staff report, with allowance in the Code of Development for parking demand studies to be used in the future and the inclusion of bicycle racks, as outlined in <b>Attachment 4</b>.</li> <li>• ZMA-2011-00005 would go before Board of Supervisors on a date to be determined.</li> </ul>

<p>reasons outlined in the staff report, with allowance in the Code of Development for parking demand studies to be used in the future and the inclusion of bicycle racks, as outlined in <b>Attachment 4</b>.</p>	
<p>10. <b>ZTA-2012-00002 WATER/SEWER REGULATIONS</b>  Amend Secs. 3.1, Definitions, 4.1, Area and health regulations related to utilities, 4.2, Critical slopes, 4.2.1, Building site required, 4.2.2, Building site area and dimensions, 4.2.3, Location of structures and improvements, 4.2.4, Location of septic systems, 4.7, Open space, 5.1.43, Special events, 5.1.44, Farm worker housing, and 10.5.2, Where permitted by special use permit; and repeal Secs. 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.1.7 (all untitled), of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the regulations pertaining to building sites, critical slopes, and water supplies and sewer systems serving developments and individual lots by adding and deleting definitions (3.1), restating and clarifying the standards for developments and lots to be served by public or private water supplies and sewer systems (4.1), updating the terminology for provisions pertaining to critical slopes (4.2), clarifying the minimum standards for building sites (4.2.1), restating the minimum standards for building site area and dimensions for uses not served by public sewer systems, and providing for special exceptions from those standards and for alternative onsite sewer systems (4.2.2), eliminating an ambiguity as to whether special use permits for additional development rights are permitted in the watershed of a public water supply reservoir (not allowed) (10.5.2), and making corresponding technical changes and non-substantive changes updating terminology to other related sections (4.2.3, 4.2.4, 4.7, 5.1.43, 5.1.44, 10.5.2). 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. (Glenn Brooks)</p> <p><b>DEFERRED ZTA-2012-00002</b>, by a vote of 7:0, to the March 20<sup>th</sup> Planning Commission agenda.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – Deferred ZTA-2012-00002 to the March 20<sup>th</sup> Planning Commission agenda.</li> <li>• Staff to address Commission questions, make additional changes and bring back updated ordinance language.</li> </ul>
<p>12. <b>Old Business</b></p> <ul style="list-style-type: none"> <li>• <b>Final Committee Assignments –</b>  The Planning Commission discussed and agreed on the final committee assignments, as follows.</li> </ul>	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>

<ul style="list-style-type: none"> <li>• Mr. Dotson to be on the MPO Committee and ACE Committee.</li> <li>• Mr. Randolph to be on the CIP Oversight Committee, Historic Preservation Committee and the Village of Rivanna Community Advisory Council.</li> <li>• Mr. Franco to be on the Fiscal Impact Committee.</li> <li>• Mr. Franco and Mr. Lafferty to be on the Place29 Advisory Committee.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Contact Information – Finalized</b></li> </ul>	
<p>13. <b>New Business</b></p> <ul style="list-style-type: none"> <li>• Question asked about the process of the “One Community” project and whether the Planning Commission is getting an update soon. Staff noted a joint work session with the City Planning Commission is scheduled and will include updates on “One Community”.</li> <li>• <b>APPROVED RESOLUTION OF INTENT</b>, by a vote of 7:0, to amend Section 14-4-1-6 of the Albemarle County Subdivision Ordinance as outlined in <b>Attachment 5</b>. Public hearing to be held on March 20<sup>th</sup>.</li> <li>• Mr. Morris passed out a survey and asked Commissioners during the next week to try to reflect and evaluate their meeting they had this evening. He asked Commissioners to bring the survey with them next week.</li> <li>• Planning Commissioner Certification Program – If there is another Commissioner interested they should contact Mr. Cilimberg by the end of the week.</li> </ul>	<ul style="list-style-type: none"> <li>• Advertise public hearing for STA, subdivision ordinance amendment, for March 20<sup>th</sup>.</li> <li>• Surveys to be returned to Mr. Morris at March 6<sup>th</sup> meeting.</li> <li>• Interests in Planning Commissioner Certification Program should be relayed to staff.</li> </ul>
<p>14. Adjourn to March 6, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:31 p.m.</li> </ul>	

**Attachment 1** – SP-2010-00042 David Brown Auto Detailing and Repair – Recommended Conditions of Approval

**Attachment 2** – SP-2011-00031 Greenbrier Emergency Animal Hospital – Recommended Conditions of Approval

**Attachment 3** - SP-2011-00029 Verizon Wireless, Keswick – PWSF Tier III & Keswick Tower – Recommended Conditions of Approval & Modifications Reasons

**Attachment 4** – ZMA-2011-00005 Greenbrier Commons – Recommended Proffer/Code of Development Changes

**Attachment 5** – ZTA-2012-00002 Water/Sewer/Sewer Regulations - Resolution of Intent for Revision of Subdivision Ordinance

## ATTACHMENT 1

### SP-2010-00042 David Brown Auto Detailing and Repair – Recommended Conditions of Approval

Based on the findings contained in this staff report, staff recommends approval of SP2010-00042 David Brown Auto Detailing and Repair, with the following conditions.

1. Development and use shall be in general accord with the conceptual plan titled "Site Plan David Brown's Body Shop," prepared by David C. Wyant, Sr., and dated October 27, 2011 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:

- limits of disturbance
- location and size of buildings and structures
- location of parking areas
- extent of paving
- environmental features, including the stream and steep slopes on the site

The Zoning Administrator may approve 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 hours of operation for the public garage shall not begin earlier than **9:00 a.m.** and shall end not later than **7:30 p.m.**, each day, Monday through Saturday. The public garage shall not operate on Sundays.
3. Compliance with the Virginia State Department of Health regarding water supply and septic system shall be verified by the Health Department prior to issuance of a zoning clearance and the commencement of the special use.
4. All outdoor lighting shall be only full cut-off fixtures and shall be 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 issuance of a zoning clearance.
5. The following activities are prohibited anywhere on the site:
  - a. Gasoline sales
  - b. Installation and/or use of a paint booth
  - c. Sale or rental of vehicles or other motorized equipment
  - d. Storage of vehicles on the site for longer than 30 days
  - e. Outdoor storage of inoperative vehicles, parts, equipment, machinery, and/or junk
6. All detailing and/or repairing of vehicles shall take place inside the existing garage.
7. The impervious surface, including any impervious paving, on the site shall not be expanded beyond its extent on the date of this application. (November 15, 2010).
8. The permittee shall install and thereafter maintain a minimum twenty (20)-foot deep landscaped buffer adjacent to the stream. This planting shall use native tree and shrub species listed in Appendix A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation and/or the brochure Native Plants for Conservation, Restoration, and Landscaping, published by the Virginia Department of Conservation and Recreation. Trees and shrubs shall be planted at the densities specified in Appendix D, Table A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation. Landscaping shall be installed prior to issuance of a zoning clearance. No vehicles may be parked or other business or earth-moving activities shall take place within this buffer.

9. Parking of vehicles associated with the public garage shall take place only in the parking spaces depicted on the Concept Plan. **(Staff to work with the applicant to define which spaces on the site plan is associated with the garage that is associated with the parking issue.)**
10. There shall be no more than three (3) vehicles awaiting repair or waiting to be picked up after repair parked outside the garage at any one time. **(Staff to work with the applicant to define which spaces on the site plan is associated with the garage that is associated with the residence.)**
11. There may be up to two additional employees other than family members who reside in the home on the site associated with this use.
12. Approval from the Department of Environmental Quality, if required, shall be required prior to issuance of the zoning clearance.
13. The use shall not lawfully commence until the Special Use Permit is approved and all applicable conditions of approval have been met.

## **Attachment 2**

### **SP-2011-00031 Greenbrier Emergency Animal Hospital - Recommended Conditions of Approval**

1. There shall be no outside exercise area. However, walking of animals is permitted and shall be delineated with either post and cable or fencing to an area in the northwest corner of the parcel as shown on the attachment (described in 3);
2. No animals are to be confined outside;
3. Use is limited to 370 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman and Associates, LLC, dated April 13, 2005;
4. No overnight boarding shall be permitted, except for those animals under emergency medical care.



### Attachment 3

#### SP-2011-00029 Verizon Wireless, Keswick – Tier III PWSF – Recommended Conditions of Approval

The Planning Commission recommends approval of SP-2011-00029 Verizon Wireless, Keswick - Tier III PWSF with the conditions outlined in the staff report.

1. All work shall be done in general accord with what is described in the applicant's request and conceptual plan, entitled "Keswick Johnson Property 4460 Richmond Road Keswick, VA Existing Co-location LTE (4G) Upgrade" prepared by Stuart P. Patterson and dated 2/15/12

#### Modifications:

The Planning Commission recommends approval of granting the modifications, by a vote of 7:0, of Sections 5.1.40(c)(3)i and (c)(3)ii for SP-2011-00029 Keswick Tower for reasons outlined in the staff report and summarized as follows.

- Zoning Ordinance Modifications:
  - **Section 5.1.40(c)(3)i**
  - **Section 5.1.40(c)(3)ii**

**Section 5.1.40(c)(3)i** - The number of arrays proposed exceeds the three that are permitted by the ordinance, however the previous Special Use Permit (SP2004-39) modified this condition to allow for five arrays and placed conditions on them requiring an amendment to the SP if a proposal to relocate any of the antennas on the structure, increase the number or size of antennas, or increase the distance from the structure. Thus this application requires an amendment of the SP conditions to address the proposed addition of three new antennas and relocation of three existing antennas in an existing array on the existing tower at the 90' elevation.

**Section 5.1.40(c)(3)ii** - Maximum standoff distance 12" from tower

Given the existing visual impact of the tower, the resulting additional impact of the 24 inch standoff distance for the proposed antennas on the existing array is not seen as significant.

The Design Planner has indicated that the proposal will not create additional negative impacts to the Entrance Corridor.

The proposal supports the use of an existing structure to provide for service needs, and staff can recommend approval of the modification for this particular proposal.

#### Factors Favorable:

- No height increase of the existing 149' tower is proposed and no additional array is needed to provide the additional service, rather only collocation on the existing tower at the 90' elevation.
- The proposal is on an existing facility and will not increase or cause any new impacts to adjacent properties.
- The Design Planner has reviewed the proposal and has recommended approval. Given the size of the existing tower and the distance from Route 64 an Entrance Corridor, the proposed 24" standoff distance is not expected to create additional negative visual impact to the entrance corridor.
- According to the applicant, the only viable alternative to the 24" standoff distance is to allow a full-sectored array similar to those that were approved for three of the carriers located higher on the tower. It is staff's opinion that the alternative option would increase visibility far more than the current proposal.

Staff is able to support all of the recommended modifications described in the staff report because the facility is existing. The proposal does not appear to increase the visibility of the existing tower based on the existing conditions of the site.

Factors Unfavorable:

- Alternative mounting style which increases the antenna standoff distance to 24" rather than the permitted 12".

Recommendation: Staff recommends approval of the proposed changes to the existing personal wireless service facility, and modifications, based on the analysis provided in the staff report.

**Attachment 4 –  
ZMA-2011-00005 Greenbrier Commons – Recommended Proffer/Code of Development Changes**

The Planning Commission recommends approval of ZMA-2011-00005 Greenbrier Commons with the reasons and conditions stated in the staff report, as amended.

1. Staff to relook at the parking portion of the Code of Development to allow for parking demand studies to be used in the future,
2. Staff to work out with the applicant whether to have the Code of Development provide for inclusion of bicycle racks or that the applicant proffer that bicycle racks be provided, and
3. Revise the Code of Development to list all uses permitted by right and by special use permit in a table format instead of using the Zoning Ordinance.

**Attachment 5 –  
ZTA-2012-00002 Water/Sewer Regulations –  
Resolution of Intent for Revision of Subdivision Ordinance**

**RESOLUTION OF INTENT**

**WHEREAS**, in County Code § 14-416, the Albemarle County Subdivision Ordinance establishes the minimum standards for subdivisions whose lots will be served by individual private wells and sewage systems and requires that lots be served by “septic systems having adequate conventional drainfields”; and

**WHEREAS**, since the County’s subdivision regulations pertaining to individual sewage systems were last amended, the General Assembly has mandated that alternative onsite sewage systems be allowed upon approval by the Virginia Department of Health, subject to regulations adopted by the Virginia Department of Health; and

**WHEREAS**, as defined by State law, alternative onsite sewage systems may be established without conventional drainfields; and

**WHEREAS**, in order to incorporate the State requirements pertaining to alternative onsite sewage systems and to improve the administration of the Subdivision Ordinance, it may be desirable to amend County Code § 14-416.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending County Code § 14-416 and any other regulations of the Subdivision Ordinance deemed appropriate to achieve the purposes 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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