

FINAL ACTIONS
Planning Commission Meeting of August 21, 2012

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:00 p.m. by Calvin Morris, Chairman. • PC members present were Mr. Morris, Mr. Loach, Mr. Randolph, Mr. Franco, Mr. Dotson, Mr. Smith and Mr. Lafferty. Ms. Monteith was present. • Staff present was Joanne Tu Purtszova, Christopher Perez, Ron Higgins, Francis MacCall, Wayne Cilimberg, Sharon Taylor, David Benish, Mark Graham, and Greg Kamptner. 	
<p>2. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • None. 	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • No action required
<p>3. <u>Consent Agenda</u></p> <p>a. <u>Approval of Minutes:</u> June 19, 2012</p> <p>b. <u>SDP-2012-00013 Dunlora Forest- Final Site Plan</u> PROPOSED: Request for final site plan approval of 99 units, including townhouses, single family, and duplexes at a density of 4.46 units per acre. ZONING CATEGORY/GENERAL USAGE: R4- Residential- 4 units per acre standard level, and 6 units per acre bonus level; R6- Residential- 6 units per acre standard level, 9 units per acre bonus level. SECTION: Section 32 Site Plan; Section 16 R-6 Residential; Section 15 R-4 Residential; Section 4.2.5 Modification or waiver of Critical Slopes COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Finalize Minutes & Obtain Signature • ACTION LETTER - APPROVED SDP-2012-00013 Dunlora Forest – Final Site Plan as recommended by staff. (No Board Action Required) (Prior conditions met)

<p>Density Residential- residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Neighborhood 2 ENTRANCE CORRIDOR: No LOCATION: Rio Road East at the intersection with Pen Park Road TAX MAP/PARCEL: 062F00000000A0; 062D00100000A0; 06100000016600 MAGISTERIAL DISTRICT: Rio (Megan Yaniglos)</p> <p>APPROVED CONSENT AGENDA, by a vote of 7:0.</p>	
<p>4. <u>Public Hearing Items</u></p> <p><u>SP-2012-00020 NTELOS (CV830) Glendower/Schmidt Property Tier III Personal Wireless Service Facility</u></p> <p>PROPOSAL: A 91.3 foot steel monopole, painted brown, with a flush-mounted antenna array of three panel antennas and associated ground equipment. The proposed monopole is approximately 20 feet above the reference tree and is located in an avoidance area (Southern Albemarle Rural Historic District).</p> <p>ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas-agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2012-00020 Ntelos (Glendower) Schmidt Property, CV830 Tier III PWSF with the conditions as outlined in the staff report (Attachment 1) based on the unusual topography, vegetation, and resulting lack of visibility and other potential impacts of this particular tower. • Recommend approval of the special exception for the modification to allow the facility to be up to 20’ above the reference tree for reasons outlined in the staff report. • The request will go before the Board of Supervisors on October 3, 2012.

<p>development lots) ENTRANCE CORRIDOR: YES LOCATION: east side of Rt. 20, just north of Glendower Road at 6507 Scottsville Road TAX MAP/PARCEL: 12100-00-00-082H0/12100-00-00-08200 (access) MAGISTERIAL DISTRICT: Scottsville (Joanne Tu Purtsezova)</p> <p>RECOMMEND APPROVAL OF SP-2012-00020, by a vote of 7:0, for Tier III PWSF with the conditions outlined in the staff report (Attachment 1), based on the unusual topography, vegetation, and resulting lack of visibility and other potential impacts of this particular tower.</p> <p>RECOMMEND APPROVAL, by a vote of 7:0, of the special exception to allow the facility to be up to 20' above the reference tree for reasons outlined in the staff report.</p>	
<p>5. <u>SP-2012-00012 Regents School of Charlottesville</u> PROPOSAL: School of Special Instruction. Utilize existing structure, no additional buildings proposed. ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre) SECTION: Chapter 18 Section 23.2.2(6) of the Albemarle County Code, which allows for School of Special Instruction. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots) ENTRANCE CORRIDOR: Yes LOCATION: 3045 Ivy Road Charlottesville VA TAX</p>	<p>Clerk:</p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2012-00012 Regents School of Charlottesville with the conditions as outlined in the staff report as shown in Attachment 2. • The request will go before the Board of Supervisors on a date to be determined.

<p>MAP/PARCEL: 05900-00-00-023G1 MAGISTERIAL DISTRICT: Samuel Miller (Christopher Perez)</p> <p>RECOMMEND APPROVAL OF SP-2012-00012, by a vote of 7:0, with conditions recommended by staff as shown in Attachment 2.</p>	
<p>5. <u>ZTA-2012-00011 Highway Commercial Wall Signs</u> – Amend Sec. 4.15.12, Regulations applicable in the C-1, CO and HC zoning districts, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 4.15.12 to increase the maximum area allowed for wall signs in the Highway Commercial zoning district from 100 square feet to 200 square feet, which was the maximum area allowed for such signs prior to a recent text amendment. The full text of the ordinance is available for examination by the public in the offices 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)</p> <p>RECOMMEND APPROVAL OF ZTA-2012-00011, by a vote of 7:0, as recommended by staff and shown in Attachment A of the staff report.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of ZTA-2012-00011 as recommended by staff and shown in Attachment A of the staff report. • The request will go before the Board of Supervisors on a date to be determined.
<p>The Planning Commission took a break at 6:53 p.m. and the meeting reconvened at 7:01 p.m.</p>	
<p>7. <u>ZTA-2012-00006 Legislative Review Process Improvements</u> – Amend Secs. 1.7, Official zoning map, 3.1, Definitions, 4.8.1, Determinations concerning unspecified uses, 4.15.5, Signs authorized by special use permit, 10.5.2, Where permitted by special use permit, 20.1, Intent, where permitted, 20.2, Application, 30.1.2, Application, 30.5.5, Permitted uses</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Deferred ZTA-2012-00006 to October 23, 2012. • Staff to address and respond to comments as outlined in Attachment 4.

by right and special permit, 31.1, Designation of zoning administrator, authority, 34.4, Application for variances, 35.1, Fees; and repeal Secs. 1.9, Application for land use permit; payment of delinquent taxes, 8.5.1, Applications and documents to be submitted, 8.5.2, Preapplication conferences, 8.5.3, Review and recommendation by the planning commission, 8.5.4, Review and action by the board of supervisors; effect of approval, 8.6, Amendments to planned development districts, 20A.3, Application requirements; required documents and information, 20A.4, Application plans, 31.6, Special use permits, 31.6.1, Reserved to board of supervisors, 31.6.2, Application, 31.6.3, Conditions, 31.6.4, Revocation, 31.8, Special exceptions, and 33 (and its subsections), Amendments; and adding Secs. 33.1, Purpose and intent, 33.2, Uniform requirements for the initiation of zoning text amendments and zoning map amendments, 33.3, Uniform procedures for zoning text amendments and county-initiated zoning map amendments, 33.4, Uniform procedures for owner-initiated zoning map amendments and special use permits, 33.5, Uniform procedures for special exceptions, 33.6, Zoning text amendments and zoning map amendments; relevant factors to be considered; effect of approval, 33.7, Owner-initiated zoning map amendments; authority to accept proffers, 33.8, Special use permits; relevant factors to be considered; conditions; revocation, 33.9, Special exceptions; relevant factors to be considered; conditions; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend

the regulations pertaining to the zoning map and its interpretation (1.7); relocate the obligation to pay delinquent taxes as a condition of applying for a land use permit but add and update that obligation (from 1.9 to 33.4 and 34.4); add definitions (3.1); update cross-references to related sections (4.8.1, 4.15.5, 10.5.2, 20.1, 20.2, 30.1.2, 30.5.5); relocate the application requirements, procedures and relevant considerations for planned developments (from 8.5.1 through 8.5.4 and 8.5.6), the neighborhood model district (from 20A.3 and 20A.4), special use permits (from 31.6.1 through 31.6.4) and special exceptions (from 31.8), to section 33 and its subsections; add express authority for the zoning administrator to administer and enforce proffers and to keep and make available a conditional zoning index (31.1), and allow application fees for zoning map amendments and special use permits to be paid when the application is determined to be complete instead of at the time the application is first submitted (35.1). In repealing the existing regulations for zoning map and zoning text amendments in Sec. 33(current 33.0 through 33.10), this ordinance would consolidate all legislative zoning actions of the board of supervisors in new subsections in Sec. 33 applicable to zoning map amendments, zoning text amendments, special use permits and special exceptions and these subsections would pertain to purpose and intent (33.1), uniform requirements for the initiation of zoning text amendments and zoning map amendments (33.2), uniform procedures for zoning text amendments and county-initiated zoning map amendments (33.3),

<p>uniform procedures for owner-initiated zoning map amendments and special use permits (33.4), uniform procedures for special exceptions (33.5), relevant factors to be considered for zoning text amendments and zoning map amendments and the effect of approval (33.6), authority to accept proffers in conjunction with owner-initiated zoning map amendments (33.7), relevant factors to be considered for special use permits and authority to impose conditions and revoke permit (33.8), and relevant factors to be considered for special exceptions and authority to impose conditions (33.9). A copy of the full text of the ordinance, and documentation pertaining to the proposed fees, are 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. (Wayne Cilimberg)</p> <p>DEFERED ZTA-2012-00006, by a vote of 7:0, to October 23, 2012 to continue public hearing with direction to staff to address and respond to the comments raised by the public and Commissioners as shown in Attachment 4.</p>	
<p>8. Old Business</p> <ul style="list-style-type: none"> The Commission hoped by taking a little more time now on ZTA-2012-00006 that it will actually save time later and maybe they will still make a January 1 effective date. 	<p><u>Clerk:</u> No action required</p>
<p>9. New Business</p> <ul style="list-style-type: none"> Next Meeting – August 28, 2012. 	
<p>10. Adjourn to August 28, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire</p>	

Road, Charlottesville, Virginia. <ul style="list-style-type: none">• The meeting was adjourned at 8:40 p.m.	
---	--

- Attachment 1-** SP-2012-00020 NTELOS (CV830) Glendower/Schmidt Property Tier III Personal Wireless Service Facility and Special Exception - Planning Commission Recommendations
- Attachment 2-** SP-2012-00012 Regents School of Charlottesville
- Attachment 3-** ZTA-2012-00011 Highway Commercial Wall Signs – Planning Commission Recommendation
- Attachment 4-** ZTA-2012-00006 Legislative Review Process - Planning Commission Recommendation

**Attachment 1-
SP-2012-00020 NTELOS (CV830) Glendower/Schmidt Property Tier III Personal
Wireless Service Facility**

The Planning Commission recommends approval of the following:

- SP-2012-00020 Ntelos (Glendower) Schmidt Property, CV830 Tier III PWSF adding the preamble to the recommended wording, “because of the unusual topography, vegetation, and resulting lack of visibility and other potential impacts of this particular tower” with the conditions outlined in the staff report, as follows.

Recommended Conditions of Approval:

1. All work shall be done in general accord with what is described in the applicant's request and site construction plans, entitled “nTelos Glendower (Schmidt Family Limited Partnership Property) CV830”, with a final zoning drawing submittal date of 7/30/12.
2. Development and use shall be in general accord with the conceptual plan titled “nTelos Glendower (Schmidt Family Limited Partnership Property) CV830” prepared by Brian Crutchfield and dated 7-18-12 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan.:
 - a. Height
 - b. Mounting type
 - c. Antenna type
 - d. Number of antenna
 - e. Distance above reference tree
 - f. Color
 - g. Location of ground equipment and monopole

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

- The special exceptions for the modifications for SP-2012-00020 Ntelos (Glendower) Schmidt Property, CV830 Tier III PWSF as outlined in the staff report to allow the facility to be up to 20’ above the reference tree for reasons outlined in the staff report for Section 5.1.40(d)(6) under the special exception criteria of Section 31.8. The recommendation would allow the height increase up to 20 feet.

ATTACHMENT 2
SP-2012-00012 Regents School of Charlottesville

Recommended Conditions of Approval

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in spaces designated on the concept plan as P1, P2, and P3. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit.
2. Maximum enrollment shall be 60 students.
3. All students shall be over the age of 2 ½ years old.
4. Hours of operation for the school shall be between 7:45 a.m. to 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
5. No food preparation is permitted onsite without an amendment to this Special Use Permit.

**ATTACHMENT 3
ZTA-2012-00011 Highway Commercial Wall Signs –
Planning Commission Recommendation**

The Planning Commission recommended approval of ZTA-2012-00011 as recommended by staff and shown in Attachment A of the staff report.

(See Attachment A in staff report.)

The Planning Commission recommended approval of ZTA-2012-00011 as recommended by staff and shown in Attachment A of the staff report.

(Attachment A in staff report)

ORDINANCE NO. 12-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, 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 II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 4.15.12 Regulations applicable in the C-1, CO and HC zoning districts

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 4.15.12 Regulations applicable in the C-1, CO and HC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary	1 per street	32 square feet	12 feet, if	5 feet

	frontage per establishment		freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	
Wall*	As calculated pursuant to section 4.15.20	<u>In the C-1 and CQ zoning districts, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 100 square feet; in the HC zoning district, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet</u>	Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).

(12-10-80; 7-8-92, § 4.15.12.5; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Mr. Dumler	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Snow	_____	_____
Mr. Thomas	_____	_____

**Attachment 4-
ZTA-2012-00006 Legislative Review Process –
Planning Commission Recommendation**

The Planning Commission deferred ZTA-2012-00006 Legislative Review Process to **October 23, 2012** to continue the public hearing with direction to staff to come back with revisions to the staff report to address and respond to the comments raised by the public and Commissioners, as follows:

- Define purpose and intent for and further describe the pre app meeting and the community meeting;
- Work with the definitions on density to make sure they do not change what we currently allow;
- Address what kind of supporting mechanisms the county needs to develop to make sure the public and the applicants are able to understand the pre app process;
- Further address the numbers of days before the PC meeting that signs are posted.
- Elaborate on the role of the worksession.
- Hold small business roundtable meeting;
- Further clarify the intent to make application plans a requirement only for PUDs and further clarify the requirements for plans of development;
- Elaborate on the role of the ARB in the process.
- Staff asked the Commission to hold onto tonight's staff report for the next meeting.

Public comment was taken from the following persons: (See Minutes for details)

- Charlie Armstrong
- Valerie Long (To provide written comments)
- Neil Williamson, with Free Enterprise Forum