

FINAL ACTIONS Planning Commission Meeting of March 5, 2019	
<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
1. Call to Order. - Meeting called to order at 6:00 p.m. by Chair Keller. - PC members present were Mr. Dotson, Chair Keller, Vice-Chair Bivins, Ms. Spain, Ms. Riley, Ms. More and Mr. Carrazana (UVA Rep). Ms. Firehock was absent. - Staff members present were Christopher Perez, Mariah Gleason, David Benish, Rebecca Ragsdale, Bart Svoboda, Andrew Gast-Bray, Andy Herrick, Marsha Alley, Marsha Cutright, and Stephanie Banton.	
2. Other Matters Not on the Agenda from the Public None	<u>Clerk:</u> No action required
3. Consent Agenda <u>Approval of Minutes:</u> February 5, 2018, February 20, 2018, April 17, 2018, May 8, 2018, August 21, 2018, November 20, 2018, December 18, 2018 and January 15, 2019 APPROVED , by a vote of 6:0 (Firehock absent).	<u>Clerk:</u> Pulled February 5, 2018 for further review. Finalize minutes as noted in actions.
4. Item deferred <u>ZMA-2018-00017 Woolen Mills – Light Industrial Park</u> MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 077000000040B0 LOCATION: Property is located in the southeast corner of the intersection of Franklin Street and Broadway Street PROPOSAL: Request to change the zoning designation of square feet from preserved slopes to managed slopes which would allow the slopes to be disturbed PETITION: Rezone approximately .50 acres from Steep Slopes Overlay District (preserved) which allows uses under Section 30.7.4(b) to Steep Slopes Overlay District (managed) which allows uses under Section 30.7.4(a). No dwellings proposed. OVERLAY DISTRICT: Steep Slopes (SS); Flood	<u>Clerk:</u> Schedule Public Hearing for April 9, 2019

Hazard (FH) PROFFERS: No COMPREHENSIVE PLAN: Industrial Service – warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 4 (David Benish) <i>DUE TO ADVERTISING ERROR, THIS ITEM WAS DEFERRED AND WILL BE HEARD AT THE APRIL 9, 2019 PLANNING COMMISSION MEETING.</i> No formal action	
5a. Public Hearings <u>SP-2018-00020 WVIR-TV Replacement of Existing TV Broadcasting Tower</u> MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 09100000002800 LOCATION: Off Route 53, in Carters Mountain Orchard. PROPOSAL: Replace an existing 314.25 feet tall guy-wired television broadcasting tower with a new 314.25 feet tall self-supporting television broadcasting tower in the same location. A special exception to setbacks under Section 4.10.3.1 is needed. PETITION: Section 10.2.2(6) of the zoning ordinance which allows for communication transmission facilities in the RA, Rural Areas district. Supplemental regulation applies to this use under Section 5.1.12. ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) OVERLAY DISTRICT: Southern Albemarle Rural Historic District, Mountain Protection Areas, and Critical Slopes. PROFFERS: No COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots. Rural Areas 4 Comp Plan Area. (Chris Perez)	<u>Clerk</u>: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. <u>Staff</u>: Action Letter – Recommendation as noted in the actions. (Attachment 1)

RECOMMEND APPROVAL, by a vote of 6:0 (Firehock absent), of SP-2018-020 WVIR-TV Replacement of Existing TV Broadcasting Tower for the reasons and with the conditions stated in the staff presentation. RECOMMEND APPROVAL, by a vote of 6:0 (Firehock absent), of Special Exception for the reasons stated in the staff presentation and the modified condition from 35' to 30' as requested by the applicant.	
5b. <u>SP-2018-00022 Dogtopia</u> MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL(S): 04500000010900 LOCATION: 315 Rivanna Plaza Dr, Ste 120, Charlottesville, VA 22901 PROPOSAL: Use an existing, commercial building space as an indoor kennel. PETITION: Indoor commercial kennels are permitted by special use permit in the Highway Commercial (HC) zone under Section 24.2.2(10) of the zoning ordinance. This development would be located in a portion of an existing strip commercial building on 3.32 acres of land. No dwelling units proposed. ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre) OVERLAY DISTRICTS: EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land; Managed Steep Slopes COMPREHENSIVE PLAN: Commercial Mixed Use which allows commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses in Neighborhood 1 of the Places29 Development Area. (Mariah Gleason) RECOMMEND APPROVAL, by a vote of 6:0 (Firehock absent), of SP-2018-022 Dogtopia for the reasons and with the conditions	<u>Clerk</u>: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. <u>Staff</u>: Action Letter – Recommendation as noted in the actions. (Attachment 2)

stated in the staff presentation.	
6. Worksession <u>ZTA-2019-00002 Agricultural Operations Amendment – Phase I</u> Discuss ordinance changes to align regulations for events at Agricultural Operations with those for events at Farm Wineries, Breweries, and Distilleries (Rebecca Ragsdale) RECEIVED: Discussed presentation on ZTA-2019-00002 Agricultural Operations Amendment – Phase 1, provided guidance and feedback for staff, took public comment and asked staff to incorporate changes to bring back at a scheduled public hearing. No formal action. (See minutes for detail.)	<u>Staff:</u> Continue process on ZTA-19-2 Agricultural Operations Amendment – Phase I, schedule a future public hearing, and bring back final draft with recommended changes. (Attachment 3)
6. Committee Reports The following committee reports were given: <u>Commissioner Dotson reported:</u> - School LRT meet. Provided handout showing traffic zones, projections and future populations for schools. <u>Commissioner More reported:</u> - ACEA met and went over the annual report. Went over the statistics of the easements for Albemarle County. - CAC met and presented the pipeline dashboard. The Western Albemarle Capacity Analyst was also presented. <u>Commissioner Bivins reported:</u> - The Economic Development office left cards for the Planning Commissioners to hand out. The cards are EDA's strategic plan goals and Target Industries. <u>Commissioner Spain reported:</u> - PL29 North CAC met. A 17-unit by right Senior Living facility was proposed. - Pantops CAC met. Student in the Master program at UVa will be conducting educational session in the future. - Lisa Green in the Zoning Department made a presentation on what the county can/cannot do.	<u>Staff:</u> NONE
7. Old Business/Items for Follow-up NONE	

8. New Business Andrew Gast Bray mentioned that the 2018 PC Annual Report is scheduled for the Planning Commission on March 19, 2019.	
9. Adjourn to March 19, 2019 at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. • The meeting adjourned at 8:02 p.m.	

ATTACHMENT 1 - SP201800020 WVIR-TV Replacement of Existing TV Broadcasting Tower

– Planning Commission Recommendation

ATTACHMENT 2 - SP201800022 Dogtopia – Planning Commission Recommendation

ATTACHMENT 3 - ZTA201900002 Agricultural Operations Amendment – Phase I – Planning Commission Recommendation

ATTACHMENT 1 -

SP201800020 WVIR-TV Replacement of Existing TV Broadcasting Tower – Planning Commission Recommendation

Based on the findings described in the staff report and factors identified as favorable, Planning Commission **RECOMMENDS APPROVAL** of special use permit application SP201800020 with the following conditions:

1. The development of the site, and any modifications, shall be in general accord with the conceptual plan, provided in this staff report as Attachment B, consisting of (a) a survey by Thomas B. Lincoln, dated October 17, 2018, last revised October 31, 2018, titled "*Exhibit Showing WVIR-TV Self Supporting Replacement Tower Lease Area*," (b) a preliminary antenna design by AlanDick Jampro Antennas, Inc, and (c) an aerial locator map depicting the site location (collectively, 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, including but not limited to all concealment elements and concealment technique, as shown and described on the Conceptual Plan and mentioned below:
 - a. The height of the tower may not exceed 240.25 feet and the top of any antenna may not exceed 314.25 feet above ground level. No equipment, with the exception of any FAA required flight safety lighting, may extend more than 50 feet above the top of any antenna;
 - b. The width of each side of the tower may not exceed 26 feet at its base, and 3.5 feet at the top;
 - c. The colors of the tower shall be red and white.
 - d. Antennas that support services other than television broadcasting may not be attached to the facility.
 - e. Only those satellite and microwave dishes that are necessary to support the transmission of television signal(s) shall be permitted on the tower or the television antenna.
 - f. No guy wires shall be permitted;
 - g. Notwithstanding the above conditions, additional facilities, including equipment, antennas, and microwave dishes necessary for emergency communications system(s), may be placed on this tower if the applicant and lessee of the tower enter into an agreement with the County to do so.

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

2. Prior to the issuance of a building permit, the applicant shall submit, and Planning staff shall review, the final set of site drawings for construction of the facility to ensure compliance with all conditions of the special use permit;
3. The facility shall be disassembled and removed from the site within 90 days of the date its use for television transmission is discontinued. If the Zoning Administrator determines at any time

that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney;

The use, structure or activity for which this permit is issued shall commence no later than September 6, 2020. The term "Commence" shall mean commencement of the structure that is necessary for mounting the television antenna;

RECOMMENDED ACTION – SPECIAL EXCEPTION:

Planning Commission **RECOMMEND APPROVAL** of the requested Special Exception to modify the required setback specified in County Code § 18-4.10.3.1(b), with the following condition:

1. The tower shall be located no closer than 30' to the adjacent property line (TMP 91-18A).

ATTACHMENT 2 –

SP201800022 Dogtopia – Planning Commission Recommendation

Based on the findings described in the staff report and factors identified as favorable, Planning Commission recommends approval of special use permit application SP201800022 with the following conditions:

1. Development of the use shall be in general accord with the conceptual plan titled “Dogtopia” prepared by RJA Architect and Roudabush, Gale & Associates, with the latest revision date of 2/4/2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - Location of outdoor play area and fence 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. Outdoor play hours shall be restricted to no earlier than 8am and no later than 7pm.
3. The proposed landscaping within the stormwater drainage easement will be limited to shrubs and small trees (as listed in the County approved plant list). No medium or large tree(s) shall be planted within the easement.
4. The applicant shall receive County Engineer approval for a report pursuant to Section 4.18, to confirm that the proposed use will stay below a 65-decibel maximum, as measured within the interior of the nearest tenant space, prior to approval of the site plan amendment.
5. A parking study shall be provided by the applicant, subject to approval by the Zoning Administrator, to confirm that there are a sufficient number of spaces on site and to ensure there are no parking conflicts with other shopping center tenants when more than the seven allotted parking spaces are needed, prior to the approval of the site plan amendment.
6. The fence shall not conceal any part of the triple window on the southeast corner of the building or either of the 2 easterly brick piers.
7. The fence material and detailing are subject to ARB review. An 8-foot-tall fence shall have only bottom and top rails (no intermediate rails). The fence color shall be coordinated with the existing building colors and is subject to ARB approval.
8. Landscaping shall be provided on the east and south sides of the fence to the satisfaction of the ARB.
9. No tinted or reflective films or similar materials shall be applied to windows visible from the Entrance Corridor. Window glass visible from the Entrance Corridor shall remain transparent.

ATTACHMENT 3

ZTA201900002 Agricultural Operations Amendment – Phase I – Planning Commission Recommendation

Planning Commission reviewed and provided input on the proposed text amendment which would eliminate inconsistencies and align regulations relating to events at agricultural operations with those for events at FWBDs. This would include the following changes (See minutes for details):

- 1) Add curfews for outdoor amplified music
- 2) Require neighbor notification for zoning clearances for events at agricultural operations
- 3) Update setbacks
- 4) Require a 5-acre minimum on-site acreage in production for agricultural operation events