

FINAL ACTIONS
Planning Commission Meeting of June 2, 2015

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
1. Call to Order. • Meeting was called to order at 6:00 p.m. by the Chair, Cal Morris. • PC members present were Mr. Morris, Mr. Dotson, Mr. Randolph, Mr. Loach, Ms. Firehock, Mr. Keller and Mr. Lafferty. Ms. Monteith was absent. • Staff present was Bill Fritz, Sarah Baldwin, Amelia McCulley, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner.	
2. <u>Other Matters Not on the Agenda from the Public</u> • None	<u>Clerk:</u> • No action required
3. Committee Reports The following was noted by Commission members: Mr. Randolph reported the following: • The Rivanna Community Advisory Council met and elected their leadership. • The Solid Waste Committee will hold its second Open House on Thursday June 4th. Mr. Firehock reported the following: • The Water Resources Advisory Committee met and will hold an Open House on Wednesday, June 24 at 6:30 p.m. at the COB regarding funding options to meet regulatory requirements. She noted there is also a survey on line for those who can't attend the meeting. Mr. Loach reported the following: • The Crozet Advisory Committee held a town hall meeting in conjunction with the Crozet Community Association regarding development of the former Barnes Lumber property. Another meeting will be held in June.	

There being no other committee reports, the meeting moved to the next item.	
4. Consent Agenda <u>ZTA-2015-000X Amend the Zoning Ordinance to address Farm Distilleries, Farm Breweries and Farm Wineries – ROI</u> (Mandy Burbage) APPROVED CONSENT AGENDA by a vote of 7:0.	<u>Clerk:</u> Adopted Resolution of Intent for ZTA-2015-000X Farm Distilleries, Farm Breweries and Farm Wineries as shown in Attachment 1. Staff to assign project number and schedule public hearing.
5a. Public Hearing Item <u>ZTA 2015-00003 BZA/Variances</u> – The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-3.1, Definitions, 18-31.2, Building permit applications, 18-32.3.5, Variations and exceptions, 18-32.4.2.8, Effect of approval of initial site plan on other future and pending approvals, 18-32.5.2, Contents of an initial site plan, 18-32.5.4, Groundwater assessment information, 18-32.6.4, Dam break inundation zones; engineering study and mapping information, 18-32.7.4.1, Erosion and sediment control, stormwater management, and other water regulations; water pollution; soil characteristics, 18-32.7.4.2 Easements for facilities for stormwater management facilities and drainage control, 18-34.1, Board of zoning appeals; appointment and organization, 18-34.2, Powers and duties of the board of zoning appeals, 18-34.3, Appeal to the board of zoning appeals, 18-34.4, Application for variances, 18-34A.1, Architectural review board; appointment and organization, 18-34A.2, Powers and duties of the architectural review board, 18-36.1, Violations, 18-36.2, Enforcement, 18-36.3, Civil penalties, 18-36.5, Injunctive relief and other remedies; repealing Secs. 18-31.7, Review of public features to determine substantial accord with the comprehensive plan, 18-34.5,	<u>Clerk:</u> - Action Letter – Recommend Approval as noted in the actions - The matter will go before the Board of Supervisors on a date to be determined.

Procedure, 18-34.6, Decision of board of zoning appeals; and adding Secs. 18-32.4.2.9, Approval of early or mass grading prior to initial site plan approval, 18-32.4.3.9, Duty to comply, 18-34.5, Special use permits, 18-34.6, Interpreting a district map, and 18-34A.3, Design guidelines, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the definition of "variance," (18-3.1), clarify the scope of review for building permits in the neighborhood model district (NMD) (18-31.2), repeal review of proposed public facilities as being in substantial accord with the comprehensive plan (18-31.7), clarify the matters that may be varied or excepted (18-32.3.5), amend 18-32.4.2.8 and 18-32.7.4.1) and add (18-32.4.2.9) regulations that are consistent with regulations in Chapter 17 pertaining to early or mass grading, require additional information on site plans within the NMD (18-32.5.2), add an express duty to comply with an approved site plan by maintaining a site as it was approved (18-32.4.3.9), update cross-references to State and County regulations (18-32.5.4, 18-32.6.4, 18-32.7.4.2), reorganize and update the regulations pertaining to the establishment and powers of the board of zoning appeals (BZA) and the standards and procedures for the matters considered by the BZA (18-34.1 through 18-34.6), reorganize and update the regulations pertaining to the establishment and powers of the architectural review board and the procedure for adopting design guidelines (18-34A.1 through 18-34A.3), amend the scope of matters that are a violation of the chapter (18-36.1), amend the information to be included in a notice of violation (18-36.2), prohibit imposition of civil penalties while a violation is appealed to the BZA (18-36.3), and expressly identify the board of supervisors as authorized to seek injunctive relief in an enforcement

proceeding (18-36.5). 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. (Amelia McCulley) RECOMMEND APPROVAL OF ZTA-2015-00003, by a vote of 7:0, as recommended by staff and shown in Attachment B of the staff report.	
5b. <u>ZTA 2015-00007 Wireless – Public notice</u>. The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance that would amend Sec. 18-5.1.40, Personal wireless service facilities; collocation, replacement, and removal of transmission equipment, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-5.1.40 by requiring written notice to landowners of all parcels within 1/8 mile of a proposed Tier I or Tier II facility, or an Exempt Collocation. Currently, written notice is provided to abutting landowners for Tier I facilities requiring a special exception and Tier II facilities. 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. (Bill Fritz) RECOMMEND DENIAL OF ZTA-2015-00007, by a vote of 7:0. RECOMMEND, by a vote of 7:0, that an alternative method of providing notice for all types of projects be studied that could utilize GIS, County View or some other type of development tracking software (See Attachment 2). (See Minutes for Details)	<u>Clerk:</u> • Action Letter – Recommend Denial as noted in the actions (See Attachment 2). • Action Letter – Second Recommendation for further analysis and consideration as outlined in Attachment 2. (See Minutes for Details) • The matter will go before the Board of Supervisors on a July 8th.
5c. <u>ZTA 2015-00006 Wireless – Antenna size and mounting standards</u>. The	<u>Clerk:</u> • Action Letter – Recommend Approval as

Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance that would amend Sec. 18-5.1.40, Personal wireless service facilities; collocation, replacement, and removal of transmission equipment, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-5.1.40 by increasing the maximum antenna size allowed from 1152 to 1400 square inches, and by increasing the maximum distance an antenna may project from the structure to which it is attached from 12 inches, measured from the face of the antenna, to 12 inches for the closest point and 18 inches for the farthest point, measured from the back of the antenna. 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. (Bill Fritz) RECOMMEND APPROVAL OF ZTA-2015-00006, by a vote of 7:0, with the ordinance language as recommended by staff. REQUEST, by consensus, that staff draft a resolution of intent for consideration of additional changes as requested by Verizon Wireless to reflect input provided by the Planning Commission (See Attachment 3). (See minutes for details.)	noted in the actions (See Attachment 3). • Staff to draft Resolution of Intent regarding additional request as outlined in Attachment 3 to bring back to Planning Commission on June 16th. • The matter will go before the Board of Supervisors on July 8th.
The Planning Commission recessed at 7:29 p.m. and the meeting reconvened at 7:35 p.m.	
5d. <u>ZTA 2015-00008 Wireless – Replacement of wooden pole with metal pole.</u> The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance that would amend Sec. 18-5.1.40, Personal wireless service facilities; collocation, replacement, and removal of transmission equipment, of Chapter 18,	<u>Clerk:</u> • Action Letter – Recommend Denial as noted in the actions (See Attachment 4). • The matter will go before the Board of Supervisors on July 8th.

Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-5.1.40 by requiring a special exception to replace a wooden monopole with a metal monopole if the monopole is located closer in distance than its height to any lot line and the document authorized by Sec. 18-5.1.40(c)(3) does not exist. Currently, such a replacement is allowed by right. 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. (Bill Fritz) RECOMMEND DENIAL OF ZTA-2015-00008, by a vote of 5:2, (Morris, Loach nay) for reasons as outlined in Attachment 4.	
6. Old Business • None	<u>Secretary:</u> • None
7. New Business • Mr. Morris, by vote of 7:0, chosen as Planning Commission liaison to Natural Heritage Committee • Request by Ms. Firehock to establish work group with Mr. Keller to work on Dark Skies Policy in response to Phil Inanna's email on implementation. Staff suggested bringing this proposal up at the July 8 joint Board/PC work session. • NO PLANNING COMMISSION MEETING ON June 9, 2015. • THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, JUNE 16, 2015.	<u>Secretary:</u> • Staff to update Committee List.
8. Adjourn to June 16, 2015 Albemarle County Planning Commission meeting, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. • The meeting was adjourned at 8:30 p.m.	

Attachment 1 - ZTA 2015-000X Farm Distilleries, Farm Breweries and Farm Wineries -
Adopted Resolution of Intent

- Attachment 2 - ZTA-2015-7 Wireless – Public notice – Planning Commission Recommendation
- Attachment 3 - ZTA-2015-6 Wireless – Antenna size and mounting standards – Planning
Commission Recommendation
- Attachment 4 - ZTA-2015-8 Wireless – Replacement of wooden pole with metal pole –
Planning Commission Recommendation

ATTACHMENT 1

ZTA 2015-000X Farm Distilleries, Farm Breweries and Farm Wineries –

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance authorizes farm wineries and farm breweries to hold various events and activities related to the farm winery and farm brewery; and

WHEREAS, effective July 1, 2015, Virginia Code §§ 15.2-2288.3:2 will require localities to permit and regulate limited distilleries (to be referred to as “farm distilleries” in the Zoning Ordinance) in material respects the same way that farm wineries and farm breweries are permitted and regulated, and the Planning Commission previously adopted a resolution of intent to amend the Zoning Ordinance to implement Virginia Code § 15.2-2288.3:2; and

WHEREAS, the cumulative impacts generated by farm wineries, farm breweries, and farm distilleries, including traffic on rural roads, parking, and water consumption, particularly when the events or activities are held on small parcels in the agricultural zoning districts, should be further studied; and

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance if such study identifies any substantial impacts on the health, safety, or general welfare of the public arising from traffic, parking, water consumption, or any other identified adverse impacts.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Planning Commission hereby adopts a resolution of intent to amend Albemarle County Code §§ 18-3.1, 18-5.1.25, 18-5.1.57, and any other appropriate sections of the Albemarle County Zoning Ordinance 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.

ATTACHMENT 2

ZTA 2015-7 Wireless – Public Notice – Planning Commission Recommendation

RECOMMEND DENIAL OF ZTA-2015-00007, by a vote of 7:0, of the recommended ordinance language.

RECOMMEND, by a vote of 7:0, that an alternative method of providing notice for all types of projects be studied that could utilize GIS, County View or some other type of development tracking software.

In summary, the Planning Commission recommended a comprehensive analysis be done of ways to increase opportunities for citizen involvement in all types of building and development activity within the County. The Commission discussed timing of notices, posting of building permits on subject property, and requiring contractors to identify themselves and have some sort of handout that would explain what they are doing.

(See Minutes for Additional Details)

ATTACHMENT 3

ZTA 2015-6 Wireless – Antenna size and mounting standards

RECOMMEND APPROVAL OF ZTA-2015-00006, by a vote of 7:0, with the ordinance language as recommended by staff.

REQUEST, by consensus, that staff draft resolution of intent for consideration of additional changes as requested by Verizon Wireless to increase antenna size and to reflect input provided by the Planning Commission. **(See minutes for additional details)**

By consensus, the Planning Commission made a directive recommendation that the statements from Verizon Wireless be considered about the increase in antenna size, and that staff have adequate time to research these other issues comprehensively.

ATTACHMENT 4

ZTA 2015-8 Wireless – Replacement of Wooden Pole with Metal Pole – Planning Commission Recommendation

The Planning Commission recommended denial, by a vote of 5:2, of ZTA-2015-08 Wireless Amendment – Replacement of Wood Poles with Metal Poles due to the concerns expressed in staff's analysis and others as noted below:

- This amendment will result in additional review costs to the County and increased review times.
- It will not prevent the replacement of decaying poles or result in the removal of any previously approved sites.
- Questioned whether there are reasonable grounds to justify denial of replacement of a wood pole with a metal pole.
- The amendment is proposed to address a single case and that is not the best way to conduct public policy.
- Concern about penalizing the telecommunications industry for improving the durability and safety of poles by moving from wood to metal poles. The County would be creating a standard where they are saying the County is going backwards in terms of use of wood, when clearly the tensile strength of metal and the ability of metal to collapse far exceeds the capability of wood.

(See Minutes for additional details.)