

FINAL ACTIONS
Planning Commission Meeting of May 3, 2016

<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 Tim Keller, Chair. • PC members present were Mr. Dotson, Ms. Firehock; Vice Chair; Mr. Keller, Chair; Mr. Lafferty, Ms. More and Ms. Riley. Absent was Ms. Spain. Mr. Palmer, UVA Representative was present. • Staff present was J.T. Newberry, Rebecca Ragsdale, David Benish, Sharon Taylor and Greg Kamptner. 	
<p>2. <u>Committee Reports</u></p> <ul style="list-style-type: none"> • <u>None</u> 	
<p>3. <u>Other Matters Not on the Agenda from the Public</u></p> <ul style="list-style-type: none"> • None 	<p><u>Clerk:</u> No action required</p>
<p>4a. Public Hearing Items.</p> <p><u>SP-2016-00006 Generations Montessori School</u> MAGISTERIAL DISTRICT: Rivanna TAX MAP/PARCEL: 06200-00-00-025C0 LOCATION: 1525 Stony Point Road PROPOSAL: Request for approval of a private school for up to 50 students in the existing Broadus Memorial Baptist Church facility. PETITION: Private schools under Section 10.2.2.5 of the Zoning Ordinance. No dwelling units proposed. ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) ENTRANCE CORRIDOR: Yes MANAGED AND PRESERVED STEEP SLOPES: Yes FLOOD HAZARD OVERLAY: Yes SCENIC BYWAYS OVERLAY: Yes COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend Approval of SP-2016-06 as noted in the actions. • This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.

<p>34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses within Neighborhood 3 – Pantops Master Plan. (JT Newberry)</p> <p>RECOMMEND APPROVAL OF SP-2016-06, by a vote of 6:0, (Spain absent) with the conditions outlined in the staff report, as amended, and shown in Attachment 1.</p>	
<p>4b & <u>SP-2015-00031 Rio Salam LLC –</u> 4c. <u>Motor Vehicle Sales</u> MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 061W0020A00200 LOCATION: 1189 Seminole Trail. East side of Seminole Trail (Rt. 29), 200 feet south of intersection with Greenbrier Drive (Rt. 866). PROPOSAL: To permit the sale of motor vehicles associated with existing auto repair shop and proposed body shop. PETITION: Motor vehicle sales in communities and the urban area as designated in the Comprehensive Plan under Section 22.2.2(8) of the Zoning Ordinance. No dwelling units proposed. Concurrent with SP application SP201500034. ZONING: C1 – Commercial, which allows retail sales and service; residential by special use permit (15 units/ acre). ENTRANCE CORRIDOR: Yes AIRPORT IMPACT OVERLAY: Yes COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) - retail, residential, commercial, employment, office, institutional, and open space within Places29 Master Plan. (JT Newberry)</p> <p style="text-align: center;"><i>AND</i></p> <p><u>SP-2015-00034 Salam LLC – Body Shop</u></p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend Approval of SP-2015-31 and SP-2015-34 as noted in the actions. • These matters will be forwarded to the Board of Supervisors to be heard on a date to be determined.

<p>MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 061W0020A00200 LOCATION: 1189 Seminole Trail. East side of Seminole Trail (Rt. 29), 200 feet south of intersection with Greenbrier Drive (Rt. 866). PROPOSAL: To permit a body shop in conjunction with the existing auto repair shop and proposed motor vehicle sales. PETITION: Body shop under Section 22.2.2(12) of the Zoning Ordinance. No dwelling units proposed. Concurrent with SP application SP201500031. ZONING: C1 – Commercial, which allows retail sales and service; residential by special use permit (15 units/ acre). ENTRANCE CORRIDOR: Yes AIRPORT IMPACT OVERLAY: Yes COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) - retail, residential, commercial, employment, office, institutional, and open space within Places29 Master Plan. (JT Newberry)</p> <p>RECOMMEND APPROVAL OF SP-2015-00031 (Motor Vehicle Sales), by a vote of 6:0, (Spain absent) with the conditions as shown in the staff presentation and shown in Attachment 2.</p> <p>RECOMMEND APPROVAL OF SP-2015-00034 (Body Shop), by a vote of 6:0, (Spain absent) with the conditions as shown in the staff presentation and shown in Attachment 2.</p>	
<p>4d. Public Hearing Items</p> <p><u>ZTA-2016-00005 Family Day Home</u> The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Sec. 18-5.1.56 to reduce the maximum number of children receiving child care services in a</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend Approval as noted in the actions. • This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.

<p>dwelling unit that would be considered and regulated as a single family use from 5 to 4 children, and to reduce the minimum number of children receiving child care services in a dwelling unit licensed and regulated as a family day home by the Virginia Department of Social Services from 6 to 5 children, all as provided by Virginia Code § 15.2-2292 and other State laws. 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. (Rebecca Ragsdale)</p> <p>RECOMMEND APPROVAL of the draft ordinance in Attachment B of the ZTA-2016-00005 Family Day Home staff report. (See Attachment B of staff report)</p>	
<p>5. Old Business</p> <ul style="list-style-type: none"> • Discussion held on community meeting process and factors that could potentially trigger a second public meeting. • Discussion about determination of notification area when project lies on boundary of two CCAC's with a suggestion that both CCAC chairs be notified of the community meeting. • Comment taken from Neil Williamson, Free Enterprise Forum about public concerns with CAC's level of support and professionalism some are operating under; and to encourage the Commission to leave public comment open at the end of the agenda as a test. • Discussion of scheduling future work sessions on four educational session topics in May/June/July/August period. 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> • Staff to work with Chair and Vice-Chair to schedule work session dates in May/June/July/August period for all four items individually. (Note: June 14th Farm Wineries, with proffer policy possibly on June 28th, affordable housing and ZTA Inns and Tavern expansion possibly in August)
<p>6. New Business</p> <ul style="list-style-type: none"> • By a vote of 6:0 (Spain absent) the Commission agreed to experiment 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> • Add public comment at the end of agenda (before old business) for three-month trial

<p>for the next three months with providing a second opportunity after all of the public hearings and before new and old business to receive public comments under the same time limits the Commission currently applies, and to allow comments on all topics, instead of limiting them to those matters not on the agenda.</p> <ul style="list-style-type: none"> • The next meeting will be held on Tuesday, May 10, 2016 at 6:00 p.m. 	<p>period as noted in the actions.</p>
<p>7. Adjourn to May 10, 2016 Albemarle County Planning Commission meeting, 6:00 p.m., County Office Building, Auditorium, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:26 p.m. 	

Attachment 1 – SP-2016-00006 Generations Montessori School – Planning Commission Recommendation

Attachment 2 – SP-2015-00031 Rio Salam LLC – (Motor Vehicle Sales) and SP-2015-00034 Salam LLC – (Body Shop) – Planning Commission Recommendation

Attachment 3 - ZTA-2016-00005 Family Day Home – Planning Commission Recommendation

ATTACHMENT 1

SP-2016-00006 Generations Montessori School – Planning Commission Recommended Conditions of Approval

1. Use of site shall be in general accord with the concept plan “Generations Montessori School in Broadus Memorial Baptist Church” signed and dated by Rita Pace, 04/11/2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the existing church facility and outdoor play areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Enrollment shall not exceed fifty (50) students; and
3. The hours of operation for the school shall not begin earlier than **7:30 A.M.** and shall not end later than 5:30 P.M., each day, Monday through Friday, except that occasional school-related events may occur after 5:30 P.M.

SP-2015-00031 Rio Salam LLC – Motor Vehicle Sales and SP-2015-00034 Salam LLC – Body Shop – Planning Commission Recommendation

The Planning Commission recommends approval of SP-2015-00031 (Motor Vehicle Sales) with the following conditions:

1. Use of site shall be in general accord with the concept plan “Concept Plan for Salam, LLC” signed by Salam Altallal and dated 5/3/2016 as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the sales area, parking area for sales vehicles and parking area for body shop vehicles. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Not more than five (5) vehicles may be made available for sale outdoors at any time.

The Planning Commission recommends approval of SP-2015-00034 (Body Shop) with the following conditions:

1. Use of site shall be in general accord with the concept plan “Concept Plan for Salam, LLC” signed by Salam Altallal and dated 5/3/2016 as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the sales area, parking area for sales vehicles and parking area for body shop vehicles. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Not more than five (5) vehicles may be parked or stored outdoors for body shop work at any time.

ZTA-2016-00005 Family Day Home – Planning Commission Recommendation
(Attachment B of Staff Report)

Date: 04/11/16

ORDINANCE NO. 16-18()

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. 5.1.56 Family day homes

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 5.1.56 Family day homes

Each family day home shall be subject to the following:

- a. *Care for ~~five~~ four or fewer children.* Each family day home providing care for ~~five (5)~~ four (4) or fewer children under the age of thirteen (13), exclusive of the provider’s own children and any children who reside in the home, shall be regulated as a single-family residential use.
- b. *Care for ~~more~~ not fewer than five but not more than twelve children.* Each family day home providing care for ~~more~~ not fewer than five (5) but not more than twelve (12) children under the age of thirteen (13), exclusive of the provider’s own children and any children who reside in the home, shall be subject to the following:
 1. *Traffic.* The additional traffic generated by a family day home, excluding trips associated with the dwelling unit, shall not exceed twenty-four (24) vehicle round trips per day. For the purposes of this section, a “vehicle round trip” means one vehicle entering and exiting the site. The limitation on the number of vehicle round trips per day may be waived or modified by special exception. In acting on a special exception, the board shall consider whether the waiver or modification of the number of vehicle round trips per day will change the character of the neighboring agricultural area or the residential neighborhood, as applicable, and whether the additional vehicle trips per day will be a substantial detriment to abutting lots. Notice of the application for a special exception shall be posted as provided in section 33.4(m)(2).

2. *Parking.* Each family day home shall provide one (1) parking space plus one (1) parking space for each additional employee. The parking spaces may be located on-site, on the street where authorized by law, or in a parking lot safe and convenient to the family day home.
3. *Entrance and access.* In conjunction with each application for a zoning clearance, the zoning administrator shall identify, if necessary, the applicable design and improvements required that are at least the minimum necessary to protect public health and safety by providing safe ingress and egress to and from the family day home site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator may consult with the county engineer or the Virginia Department of Transportation regarding the minimum design and improvements for the entrance and access.
4. *State licensure.* Each family day home shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the family day home shall provide a copy of the license to the zoning administrator. The owner or operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.
5. *Inspections by fire official.* The Albemarle County fire official is authorized to conduct periodic inspections of the family day home. The owner or operator's failure to promptly admit the fire official onto the premises and into the dwelling unit to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.
6. *Waivers or modifications by special exception.* Except as provided in subsection (b)(1), no requirement of this section may be waived or modified.
7. *Zoning clearance and notice of request.* No family day home shall commence without a zoning clearance issued under section 31.5, subject to the following:
 - a. *Notice to abutting lot owners.* At least thirty (30) days prior to acting on the zoning clearance, the zoning administrator shall provide written notice of the application for a zoning clearance to the owner of each abutting lot under different ownership than the lot on which the proposed family day home would be located. The notice shall identify the proposed family day home, its size and capacity, its location, and whether a special exception under subsection (b)(1) is requested. The notice shall invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed or hand delivered at least thirty (30) days prior to the action on the zoning clearance. Mailed notice shall be sent by first class mail. Notice mailed to the owner of each lot abutting the site shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed to be compliance with this requirement.
 - b. *Special exception.* If the zoning administrator receives a written objection to the family day home from the owner of an abutting lot within thirty (30) days after the notice was mailed or delivered, the

zoning clearance shall not be approved until after the applicant obtains a special exception for the family day home as provided in sections 33.5 and 33.9. In acting on a special exception, the board shall consider whether the proposed use will be a substantial detriment to abutting lots.

- 8. *Relationship to other laws.* The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

(§ 5.1.0.6, 12-10-80; Ord. 01-18(6), 10-3-01; § 5.1.56, Ord. 13-18(5), 9-11-13)

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. Dill _____	_____	_____
Ms. Mallek _____	_____	_____
Ms. McKeel _____	_____	_____
Ms. Palmer _____	_____	_____
Mr. Randolph _____	_____	_____
Mr. Sheffield _____	_____	_____