

**FINAL ACTION MEMO**  
**Planning Commission Meeting of November 5, 2019**

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>FOLLOW-UP ACTION</b></u>
<p>1. <b>Call to Order.</b></p> <ul style="list-style-type: none"> <li>• Meeting called to order at 6:00 p.m. by Chair Keller.</li> <li>• PC members present were Chair Keller, Vice-Chair Bivins, Ms. More, Ms. Spain, Ms. Firehock, Ms. Riley, Mr. Dotson, and Mr. Carrazana (UVA Rep.).</li> <li>• Staff members present were David Benish, Lea Brumfield, Bill Fritz, Bart Svoboda, Jodie Filardo, Andy Herrick and Carolyn Shaffer</li> </ul>	
<p>2. <b>Other Matters Not on the Agenda from the Public</b></p>	<p><u>Clerk:</u> No action required</p>
<p>3. <b>Consent Agenda</b> Approval of Minutes: September 24, 2019 and October 8, 2019</p>	<p><u>Clerk:</u> Post approved minutes to website.</p>
<p>4. <b>Public Hearing Items</b></p> <p>4a. <b>ZMA201900013 Biscuit Run Park</b>  MAGISTERIAL DISTRICT: Scottsville  TAX MAP/PARCEL(S): 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0 (portion), and 09000-00-00-017D0  LOCATION: Multiple parcels between Route 20 South and Old Lynchburg Road (State Route 631)  PROPOSAL: Proposal to rezone from Neighborhood Model District (NMD) to Rural Areas (RA) to allow for a large public park.  PETITION: Rezone a total of 1,171 acres from Neighborhood Model District (NMD) (portion of ZMA200500017), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Rural Area which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). No residential is proposed.  ZONING: Neighborhood Model District (NMD)-residential (3 – 34 units/acre) mixed with commercial, service and industrial uses  OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved  PROFFERS: No  COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers</p>	<p><u>Clerk:</u> Forward Commission recommendation to Board of Supervisors for Board public hearing.</p> <p><u>Staff:</u> Prepare for Board of Supervisors public hearing.</p>

and streams in the Southern Neighborhood within the Southern and Western Urban Area Master Plan.  
MONTICELLO VIEWSHED: Yes (portion)  
(Megan Nedostup/David Benish)

**ACTION:** The commission recommended approval of ZMA201900013 (Biscuit Run Park), as recommended in the staff report, on a vote of 7:0.

4b. **ZTA201900003 Religious Assembly Use in RA**

**PROPOSAL:** Amend the Zoning Ordinance to codify equal treatment of religious assembly uses in the Rural Area (RA) under the Religious Land Use and Institutionalized Person Act (RLUIPA) of 2000 and permit nonconforming RA religious assembly uses minor expansions that do not increase capacity.

**PUBLIC PURPOSE TO BE SERVED:** Brings County Zoning Ordinance into compliance with Federal regulations and provides clarity to both applicants and County staff administering permits.

**BACKGROUND:** RLUIPA states, "No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." The County permits nonreligious assembly in the RA by-right for up to 200 persons at Farm Wineries, Breweries, and Distilleries, and for Events at Agricultural Operations. The Zoning Ordinance currently requires a Special Use Permit for all religious assembly uses in the Rural Area, but on October 9, 2017, the Zoning Administrator issued a Letter of Determination clarifying that religious assembly uses of under 200 persons are permitted by-right under RLUIPA. This clarification has not, however, been codified in the Zoning Ordinance. This ZTA was brought to the Board as part of a work session on March 20, 2019, where it was suggested that the ZTA be drafted following the adoption of a ZTA on events at agricultural operations. The events at agricultural operations ZTA, adopted May 15, 2019, aligned regulations for events at agricultural operations with regulations for events at farm wineries, breweries, and distilleries. (Lea Brumfield/Bill Fritz)

**ACTION:** The commission recommended approval of ZTA-2019-03 (Religious Assembly use in RA) as shown in the draft zoning ordinance dated November 5, 2019, by a vote of 7:0.

Clerk: Forward Commission recommendation to Board of Supervisors for Board public hearing.

Staff: Prepare for Board of Supervisors public hearing.

<p>5. Committee Reports:</p> <p><b>Commissioner Riley:</b> The Village of Rivanna met, the meeting basically focused on a discussion of the deferral of Breezy Hill.</p>	
<p>6. <b>Old Business/New Business</b> Next week Chair &amp; Vice Chair out</p>	None
<p>7. <b>Items for follow-up.</b></p>	None
<p>8. Adjourn to November 12, 2019 at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. The meeting adjourned at 6:45 p.m.</p>	