



City of Manassas, Virginia
Planning Commission Meeting

AGENDA

Planning Commission Meeting
9027 Center Street
Manassas, VA 20110
2nd Floor Conference Room
Wednesday, August 02, 2017

Call to Order and Pledge of Allegiance - 7:30 p.m.

Roll Call and Determination of a Quorum

1. Approval of the Minutes

- 1.1 June 7, 2017 Planning Commission Meeting Minutes
[June 7, 2017 Draft Meeting Minutes](#)

2. Election of Vice-Chairperson and Committee Appointments

3. Citizens' Comments – Other Than Agenda Items

The citizens' comments portion of the agenda is set aside for those citizens who wish to address the Planning Commission for less than three minutes each on topics that are not scheduled for a public hearing.

4. Public Hearings

- 4.1 **Special Use Permit #2017-08, Telecommunication Tower (9640 Liberia Avenue)**
(Staff: Kelly Davis, Senior Planner)
[Staff Report](#)
[Attachment 2. Conditions](#)
[Attachment 3. GDP and Elevations](#)
[Attachment 4. Photo Simulations](#)
[Attachment 5. Resolution](#)

5. Other Business

**5.1 Zoning Text Amendment #18-01 Zoning Ordinance Annual Updates
(Staff: Matt Arcieri, AICP, Planning and Zoning Manager)**

[Staff Memorandum](#)

[Attachment 2. Draft Zoning Ordinance Technical Corrections](#)

[Attachment 3. Small Cell Wireless Facilities - Virginia Acts of Assembly – Chapter 835](#)

[Attachment 4. Short-Term Rental of Property - Virginia Acts of Assembly – Chapter 741](#)

**5.2 Monthly Update - Pending Land Use Cases
(Staff: Matt Arcieri, AICP, Planning & Zoning Manager)**

[Pending Land Use Cases - August 2017](#)

Adjournment

MINUTES
City of Manassas
Planning Commission
Public Hearing Meeting

June 7, 2017 – 7:30 p.m.

Members Present: Harry Clark – Chairman
Bruce Wood – Vice-Chairman
Ken Johnson
Russell Harrison
Robert Schilpp
Elaine Trautwein
Martha Wilson

Members Absent: None

Staff: Matthew Arcieri – Planning & Zoning Services Manager
Kelly Davis – Senior Planner
Donna Bellows – Boards and Commissions Clerk

CALL TO ORDER

The Chairman called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

DETERMINATION OF A QUORUM

Clerk took the roll, and a quorum was determined.

APPROVAL OF MINUTES – May 3, 2017

Mr. Harrison motioned to approve the minutes as submitted. Mr. Johnson seconded the motion. The MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

COMMITTEE REPORTS

None

CITIZENS' COMMENT TIME (other than agenda items)

No citizens came forward to speak.

OTHER BUSINESS

SD #2017-46

Manassas Gateway Commercial/The Landing at Cannon Branch

Mr. Arcieri stated that this commercial subdivision plat is part of the ongoing approval process for the City's Gateway project. The plat for the brewery meets all requirements of the City ordinance, and staff recommends approval of the case.

Planning Commission Discussion
None

Mr. Wood motioned to recommend approval of SD #2017-46. Ms. Trautwein seconded the motion.

Roll Call by Clerk:

Mr. Wood	Y
Ms. Trautwein	Y
Chairman Clark	Y
Mr. Harrison	Y
Mr. Johnson	Y
Mr. Schilpp	Y
Ms. Wilson	Y

The MOTION PASSED UNANIMOUSLY.

Monthly Updates – Pending Land Use Cases

Mr. Arcieri informed the Commission of the approved and pending land use cases and stated that the July Planning Commission meeting is cancelled. Chairman Clark stated that he would attend the June 19th City Council public hearing to represent the Commission’s decision on SUP #2016-05, Mathis Investments LLC (Trucks Unlimited).

Mr. Arcieri informed the Commission that the City has hired a transportation planner, and she will begin employment on June 26.

Mr. Arcieri stated that the City submitted an application for a federal Land and Water Conservation Fund grant that has received preliminary approval. If approved, the City will receive the \$500,000 grant to purchase the rear portion of the former Marstellar Middle School property for a new 11.4 acre park. He stated that Ms. Davis prepared the grant application.

Mr. Arcieri notified the Commission that at the next Planning Commission meeting, there will be an election for a new vice chairman due to the vacancy left by Vice Chairman Wood.

Chairman Clark presented Vice Chairman Wood with a Certificate of Appreciation.

ADJOURNMENT

Mr. Wood motioned to adjourn the meeting. The MOTION CARRIED UNANIMOUSLY BY VOICE VOTE and the meeting was adjourned at 7:46 p.m.

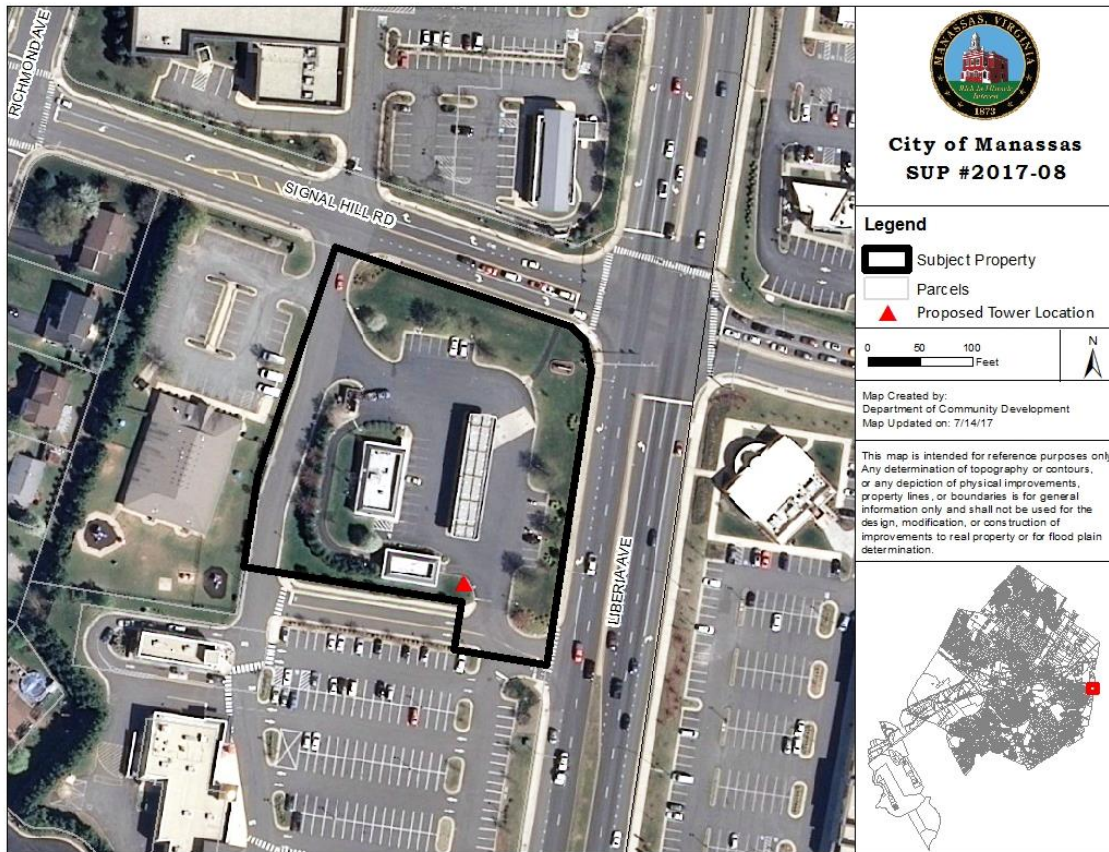
Harry Clark, Chairman

Date

Donna Bellows, Planning Commission Clerk

Date

**CITY OF MANASSAS PLANNING COMMISSION STAFF REPORT
TELECOMMUNICATION TOWER AT 9640 LIBERIA AVENUE
SUP #2017-08**



Proposed Use: This is a request for a special use permit for a 30-foot Telecommunication Tower to be located on a replacement parking lot light.

Location: The subject property is 9640 Liberia Avenue Wellington Road, located at the Sunoco gasoline station at the southwest corner of the intersection of Liberia Avenue and Signal Hill Road.

Existing Zoning: B-4, General Commercial with proffers

Parcel Size: 2.02 acres

Comprehensive Plan Designation: Business Corridor and Gateways/Corridors

Date Accepted for Review: May 19, 2017
Planning Commission Hearing: August 3, 2017



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

SUP #2017-08, Telecommunication Tower
9640 Liberia Avenue

Public Hearing Dates:

Planning Commission: August 3, 2017

Recommendation:

Staff: Approval

OVERVIEW OF REQUEST

Request: This is a request for a special use permit for a 30-foot Telecommunication Tower to be located on a replacement parking lot light.

Surrounding Land Uses:



Level of Service: Any level of service impacts related to this request would be mitigated by the conditions dated July 28, 2017.

Public Comments: This case has been advertised in accordance with requirements of the Code of Virginia and the City of Manassas, including newspaper advertisement, adjacent property owner notification (a total of 10 mailings), and public hearing signs posted on the property. No comments have been received to date.

STAFF RECOMMENDATION

Staff finds that the applicant's proposal is consistent with the Comprehensive Plan and, with the proposed mitigating conditions, is compatible with adjacent land uses. Staff recommends approval of SUP #2017-08, Telecommunications Tower, as conditioned dated July 28, 2017.

Staff: Kelly Davis, AICP

Contact Information: 703-257-8225, kdavis@manassasva.gov

Attachments:

1. Staff Analysis
2. Conditions dated July 28, 2017
3. Generalized Development Plan (GDP) and Elevations
4. Photo Simulations
5. Draft Planning Commission Resolution

Agency comments have been incorporated into Attachment 1. Staff Analysis. Application and preliminary agency comments are available at the Department of Community Development office (9027 Center Street, Room 202, Manassas, VA 20110) and can be provided upon request.

ATTACHMENT 1: STAFF ANALYSIS

Background and History:

The subject property located at 9640 Liberia Avenue currently operates as a Sunoco gas station and free standing car wash, subject to the conditions of SUP #1995-15. Immediately adjacent and across the street from the gas station are retail stores and restaurants.

Verizon Wireless proposes to remove and replace an existing 14-foot light pole with a new light pole that will have telecommunications antennas mounted at the top. The 30-foot replacement light pole will consist of one (1) small cell panel antenna which will be mounted inside an RF-friendly concealment canister. The replacement light will be remounted at the 14-foot level. Ancillary electrical equipment will be mounted on the exterior wall of the adjacent car wash building. The proposed equipment structure and equipment cabinets will be unmanned and will operate around the clock 365 days per year.

The proposed site was selected to improve wireless coverage in the immediate area of the Signal Hill Shopping Center. In addition to improving coverage and therefore speed and reliability, the proposed site will offload demand from existing neighboring Verizon Wireless sites improving their efficiency and service while providing adequate overlapping coverage between sites.

Comprehensive Plan Analysis:

The subject property is located in the Business Corridor and Gateways/Corridors character area of the Comprehensive Plan. This request is consistent with the Comprehensive Plan and, with the proposed mitigating conditions, is compatible with adjacent land uses.

Land Use

Manassas will maintain its existing pattern of residential, commercial, and open space land uses, emphasize improved design principles, promote mixed uses compatible with existing neighborhoods, accommodate high quality infill and redevelopment where appropriate, and reinforce the unique and positive qualities of diverse neighborhoods.

While the Comprehensive Plan does not directly address the siting of telecommunication facilities, the plan refers to the proper siting and design of any proposed development in order to mitigate potential impacts on the visual quality of the community.

The design and scale of the proposed replacement pole structure address this goal by limiting visual impact on the Liberia Corridor and surrounding land uses. Photographic simulations (Attachment 4) demonstrate the appearance of the structure as viewed from surrounding properties. The visual impact of the proposed facility will be mitigated by installing the

antennas inside an opaque concealment box painted to match the existing light pole. Additionally, while the overall pole height is proposed to increase from 14 to 30 feet, the proposed 30-foot pole design is only nominally higher than the 27.8-foot City street lights along Liberia Avenue. Attachment 3 (GDP, page Z-1) provides heights for light poles in proximity to the proposed facility.

Goal/Objective/Strategy	Staff Analysis
Chapter 3: Land Use (Comprehensive Plan)	
<p><i>Strategy 3.2.1:</i> Assess development or redevelopment impacts on the visual quality, mobility and cohesiveness of the community, and additional factors that otherwise define its character.</p>	<p>The design and scale of the proposed telecommunications facility limit visual impacts on surrounding properties. Equipment will be concealed within an opaque canister, and the pole height is nominally higher than the existing Liberia Avenue street lights.</p>

Economic Development

Manassas will have a strong and diverse economy that provides quality jobs, meets the retail needs of the community, attracts new residents, and creates tourism opportunities, while generating revenues that provide for superior public services and facilities.

The Department of Economic Development has no comments on the proposed use.

Mobility

Manassas will have a safe, efficient, multi-modal transportation system with streets sufficient to support businesses and residents, providing public transportation and pedestrian- and bicycle-friendly facilities, while being sensitive to the design context of the City and its neighborhoods.

The Department of Public Works has no concerns relating to transportation. A traffic impact analysis was not required for this project.

Public Safety

Public Safety: Manassas City provides premier police, fire and rescue services and facilities, protecting the lives and property of our citizens with well-trained and equipped personnel closely engaged with the community. The City is prepared to respond to and protect against natural and man-made disasters and threats.

The Police Department and Fire Marshal’s Office expressed no issues or concerns with the proposed use.

Utilities

Public Utilities: City of Manassas utilities are well-maintained to provide quality, dependable service to our citizens and are carefully planned to support economic development with sufficient system capacity to meet anticipated long-term growth in an environmentally sensitive manner.

The Departments of Engineering and Utilities expressed no issues or concerns regarding utilities for the proposed use.

Environment

Manassas will manage the impact of growth and development to protect and preserve the natural environment in such a way as to ensure long range environmental health and sustainability.

The facility will replace an existing parking lot light pole. There will be minimal land disturbance and no tree removal or intrusion of environmentally sensitive area.

PROPOSED CONDITIONS

Overview:

The conditions, as proposed, would permit the telecommunication tower and establish the proposed GDP as the approved plan for the area. Additional mitigating conditions of the SUP are as follows:

- Condition #3 limits the height of the telecommunication tower to 30 feet.
- Although existing landscaping is not anticipated to be impacted as part of this project, Condition #5 requires any landscaping impacted during site disturbance to be replaced in kind.
- Condition #6 prohibits wall signage or freestanding signage on the tower, equipment shelter, or fencing. Standard warning and security signage would still be permitted.
- Condition #7 requires the removal of the telecommunications facility at the termination of the lease with the property owner or, if the facility is no longer used for a continuous period of 90 calendar days.

Special Use Permit Conditions

SUP# 2017-08, Telecommunication Tower
9640 Liberia Avenue

July 25, 2017

In addition to compliance with all applicable zoning, subdivision, and Design & Construction Standards Manual (DCSM) requirements, the development and use of the designated property shall be subject to the following conditions:

1. This special use permit is for a Telecommunication Tower.
2. The site, subject to final engineering, shall be developed and operated in substantial conformance with the Generalized Development Plan (the "GDP") entitled "Site Plan" and "Equipment Plan", sheets Z-1 and C-1, prepared by NB+C Engineering Services, LLC. and dated July 13, 2017.
3. The height of the telecommunication tower shall not exceed 30 feet.
4. The design of the tower, subject to minor modifications for final engineering, shall be a replacement light pole design in substantial conformance to the elevations entitled "Equipment Elevation" and "Existing and Proposed Elevations", sheets C-1 and C-2, prepared by NB+C Engineering Services, LLC. and dated July 13, 2017. The materials and colors of the replacement light pole will be consistent with the existing light pole.
5. Landscaping impacted during site disturbance shall be replaced in kind prior to bond release.
6. No wall signage or freestanding signage shall be permitted on any structure, including the replacement light pole and equipment shelters.
7. The Applicant shall remove the facility from its specific location as shown on the GDP at the termination of the lease with the property owner or during the term of the lease, if the facility is no longer used for telecommunications purposes for a continuous period of 90 calendar days.
8. A copy of the conditions for this special use permit shall be included with any lease agreements and with any permit application submitted to the City of Manassas.
9. The use of this property shall be in compliance with all federal, state, and local ordinances.

Matthew D. Arcieri, Zoning Administrator

Date

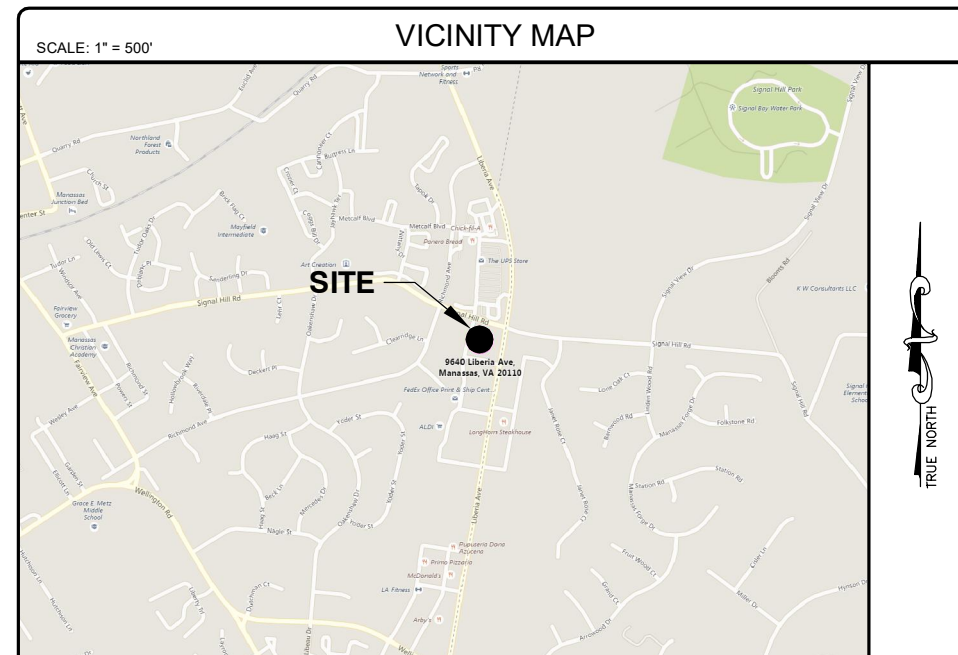
This signature certifies that these conditions were approved by the Manassas City Council as part of the above referenced special use permit.



SIGNAL HILL SHOPPING CENTER
(DAVID FORD CROSSING)
9640 LIBERIA AVENUE
MANASSAS, VA 20111
CITY OF MANASSAS



SITE INFORMATION	
SCOPE OF WORK:	PROJECT CONSISTS OF REPLACING EXISTING LIGHT POLE WITH NEW LIGHT POLE AND INSTALLING TELECOMMUNICATIONS EQUIPMENT AND ANTENNAS ON NEW LIGHT POLE.
SITE ADDRESS:	9640 LIBERIA AVENUE MANASSAS, VA 20111
LATITUDE (NAD 83):	38.748206°
LONGITUDE (NAD 83):	-77.450186°
JURISDICTION:	CITY OF MANASSAS
OWNER:	NAV YUG LLC 9640 LIBERIA AVE MANASSAS, VA 20110
DEED REFERENCE:	2299/0461
ACCOUNT ID:	100-01-00-178C1
STRUCTURE TYPE:	LIGHT POLE
ANTENNA/ EQUIPMENT LOCATION:	LIGHT POLE
STRUCTURE HEIGHT:	30'-0"
PARCEL AREA:	2.02 ± ACRES
ZONING CLASSIFICATION:	B4
CONSTRUCTION TYPE:	IIB



DIRECTIONS

DIRECTIONS FROM 7600 MONTPELIER ROAD: DEPART MONTPELIER RD TOWARD JOHNS HOPKINS RD. TURN LEFT ONTO JOHNS HOPKINS RD. TAKE RAMP RIGHT FOR US-29 SOUTH TOWARD WASHINGTON. TAKE RAMP RIGHT FOR I-495 WEST TOWARD BETHESDA / NORTHERN VIRGINIA. AT EXIT 49, TAKE RAMP RIGHT FOR I-66 WEST TOWARD FRONT ROYAL. AT EXIT 53A, TAKE RAMP RIGHT FOR VA-28 SOUTH TOWARD CENTREVILLE. TURN LEFT ONTO LIBERIA AVE. TURN RIGHT ONTO SIGNAL HILL RD. TURN LEFT ONTO PRIVATE ROAD. ARRIVE AT DESTINATION ON THE LEFT.

CODE COMPLIANCE	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.	
<ul style="list-style-type: none"> 2012 VIRGINIA UNIFORM STATEWIDE BUILDING CODE 2012 VIRGINIA CONSTRUCTION CODE 2011 NATIONAL ELECTRICAL CODE NATIONAL ELECTRICAL SAFETY CODE, LATEST EDITION 2009 NFPA 101, LIFE SAFETY CODE 2009 INTERNATIONAL FIRE CODE DOMINION STANDARDS 	<ul style="list-style-type: none"> AMERICAN CONCRETE INSTITUTE ANSI/T 311 FAIRFAX STRUCTURAL DESIGN LOADS AND RELATED FACTORS <ul style="list-style-type: none"> GROUND SNOW LOAD = 25 PSF BASIC WIND SPEED = 90 MPH EARTHQUAKE SPECTRAL RESPONSE ACCELERATIONS SS = 0.16 AND S1 = 0.053

PROJECT TEAM	
APPLICANT:	VERIZON WIRELESS 7600 MONTPELIER ROAD LAUREL, MD 20723 (301) 617-4210
ENGINEERING FIRM:	NB+C ENGINEERING SERVICES, LLC. 6095 MARSHALEE DRIVE, SUITE 300 ELKRIDGE, MD 21075 (410) 712-7092

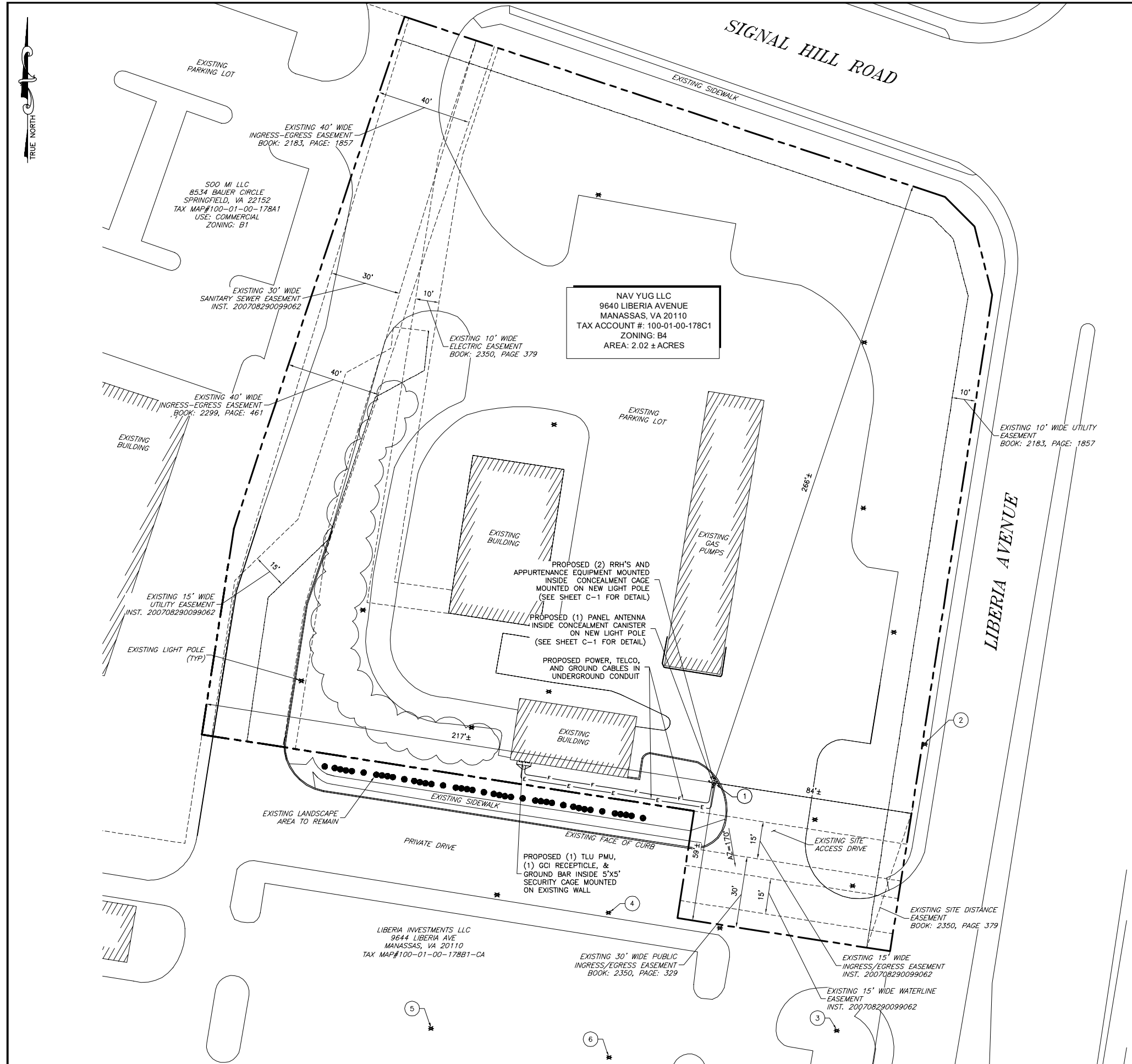
DRAWING INDEX	
T-1	TITLE SHEET
Z-1	SITE PLAN
C-1	EQUIPMENT PLAN & ELEVATION
C-2	EXISTING & PROPOSED ELEVATIONS

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"x36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

APPROVAL BLOCK		APPROVED	APPROVED AS NOTED	DISAPPROVED/REVISE
PROPERTY OWNER	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SITE ACQUISITION	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CONSTRUCTION MANAGER	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ZONING	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RF ENGINEER	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

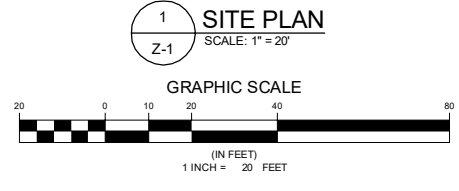
ENGINEER	<p>TOTALLY COMMITTED.</p> <p>NB+C ENGINEERING SERVICES, LLC. 6095 MARSHALEE DRIVE, SUITE 300 ELKRIDGE, MD 21075 (410) 712-7092</p>																
APPLICANT	<p>7600 MONTPELIER ROAD LAUREL, MD 20723 (301) 617-4210</p>																
SITE INFORMATION	<p>SIGNAL HILL SHOPPING CENTER (DAVID FORD CROSSING) 9640 LIBERIA AVENUE MANASSAS, VA 20111 CITY OF MANASSAS 38.748206, -77.450186</p>																
DESIGN RECORD	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>07/13/17</td> <td>REVISED PER COMMENTS</td> <td>JRP</td> </tr> <tr> <td>1</td> <td>06/29/17</td> <td>REVISED PER COMMENTS</td> <td>JRP</td> </tr> <tr> <td>0</td> <td>04/25/17</td> <td>PERMIT DWGS</td> <td>CES</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	BY	2	07/13/17	REVISED PER COMMENTS	JRP	1	06/29/17	REVISED PER COMMENTS	JRP	0	04/25/17	PERMIT DWGS	CES
REV	DATE	DESCRIPTION	BY														
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0	04/25/17	PERMIT DWGS	CES														
PROFESSIONAL STAMP																	
ENGINEER	<p>PHILIP BURTNER, P.E. VA PROFESSIONAL ENGINEER LIC. #022023</p>																
SHEET TITLE	<p>TITLE SHEET</p>																
SHEET NUMBER	<p>T-1</p>																



ZONING INFORMATION		
JURISDICTION: CITY OF MANASSAS		
ZONING: B4		
DIMENSION	EXISTING ±	PROPOSED ±
FRONT YARD SETBACK:	N/A	266.0'
SIDE YARD SETBACK:	N/A	84.0'
SIDE YARD SETBACK:	N/A	217.0'
REAR YARD SETBACK:	N/A	59.0'
LOT AREA: 2.02 ± ACRES		
(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)		
NOTES:		
1) SITE PLAN IS THE RESULT OF A FIELD SURVEY AND LOCAL GIS INFORMATION COMBINED. SURVEY CONDUCTED BY POINT TO POINT SURVEY COMPANY.		
2) ALL SETBACKS SHOWN ARE FROM PROPOSED LIGHT POLE TO EXISTING PROPERTY LINES.		

LEGEND	
--- --	PROPERTY LINE - SUBJECT PARCEL
---	PROPERTY LINE - ABUTTERS
---	EXISTING FENCE LINE
---	EXISTING ROAD
▨	EXISTING BUILDING

ELEVATIONS	
①	PROPOSED LIGHT POLE W/CONCEALMENT CANISTER 30'-0" AGL
②	EXISTING LIGHT POLE 27.8' AGL
③	EXISTING LIGHT POLE 20.0' AGL
④	EXISTING LIGHT POLE 15.8' AGL
⑤	EXISTING LIGHT POLE 22.6' AGL
⑥	EXISTING LIGHT POLE 22.5' AGL



NB+C
TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
6095 MARSHLEE DRIVE, SUITE 300
ELKRODE, MD 21075
(410) 712-7092

verizon
7600 MONTPELIER ROAD
LAUREL, MD 20723
(301) 617-4210

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REVISIONS			
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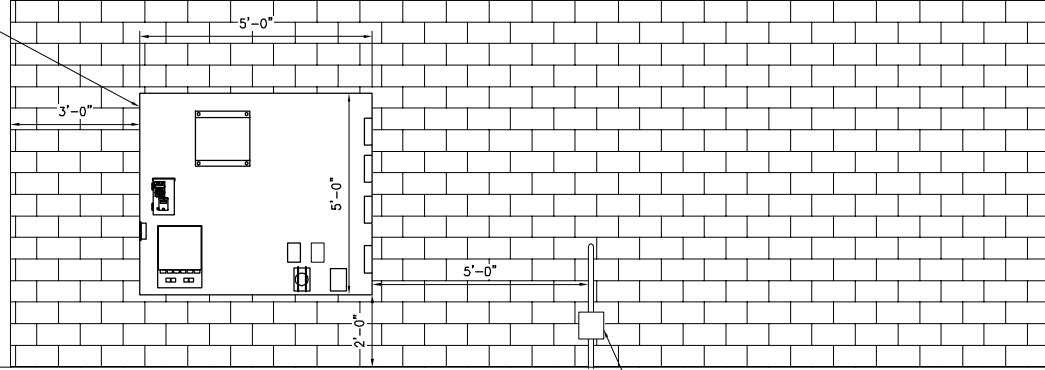
PROFESSIONAL STAMP

ENGINEER
 PHILIP BURTNER, P.E.
 VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE
SITE PLAN

SHEET NUMBER
Z-1

LESSEE'S EQUIPMENT SPACE FOR (1) TLU PMU, (1) GCI RECEPTICLE, & GROUND BAR INSIDE 5'X5' SECURITY CAGE MOUNTED ON EXISTING WALL (SECURITY CAGE TO MATCH COLOR OF EXISTING BUILDING)



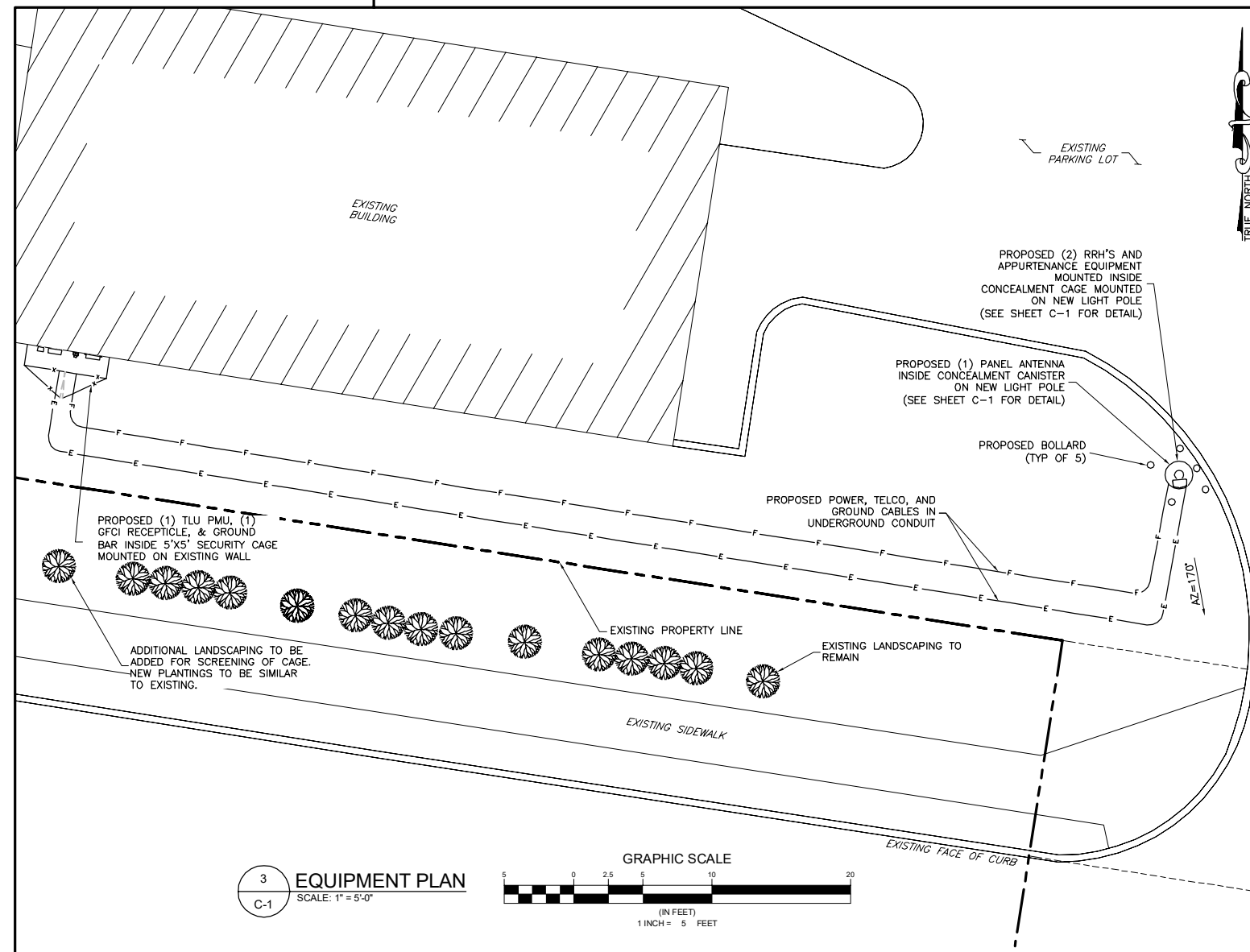
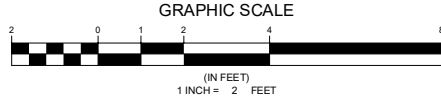
EXISTING GROUND

BUILDING GAS LINE

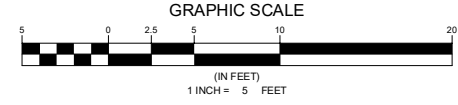
GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
8. TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/EIA/TIA 222-G REQUIREMENTS.
9. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
10. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
11. IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
12. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
13. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
14. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
15. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
16. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.

1 EQUIPMENT ELEVATION
SCALE: 1/2" = 1'-0"



3 EQUIPMENT PLAN
SCALE: 1" = 5'-0"



ENGINEER

NB+C
TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
6095 MARSHALLEE DRIVE, SUITE 300
ELKWOOD, MD 21119
(410) 712-7092

APPLICANT

verizon
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LAUREL, MD 20723
(301) 617-4210

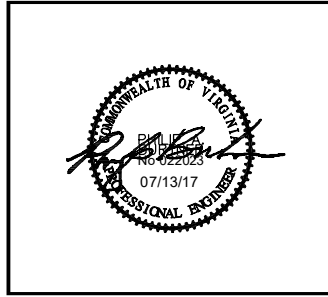
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DESIGN RECORD

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PROFESSIONAL STAMP



ENGINEER

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #0222023

SHEET TITLE

**EQUIPMENT
PLAN &
ELEVATION**

SHEET NUMBER

C-1



NB+C ENGINEERING SERVICES, LLC.
 6095 MARSHALLEE DRIVE, SUITE 300
 ELKWOOD, MD 21115
 (410) 712-7092



7600 MONTPELIER ROAD
 LAUREL, MD 20723
 (301) 617-4210

**SIGNAL HILL SHOPPING CENTER
 (DAVID FORD CROSSING)**
 9640 LIBERIA AVENUE
 MANASSAS, VA 20111
 CITY OF MANASSAS
 38.748206, -77.450186

REVISIONS

REV	DATE	DESCRIPTION	BY
2	07/13/17	REVISED PER COMMENTS	JRP
1	06/29/17	REVISED PER COMMENTS	JRP
0	04/25/17	PERMIT DWGS	CES



PHILIP BURTNER, P.E.
 VA PROFESSIONAL ENGINEER LIC. #022023

**EXISTING &
 PROPOSED
 ELEVATIONS**

C-2

ENGINEER

APPLICANT

SITE INFORMATION

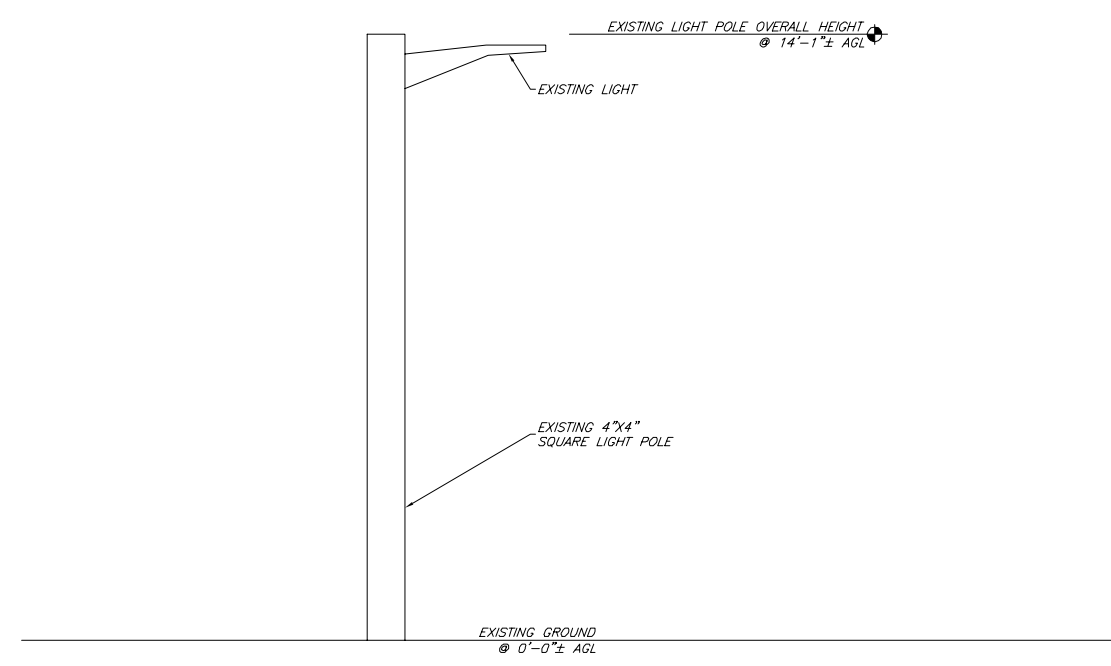
DESIGN RECORD

PROFESSIONAL STAMP

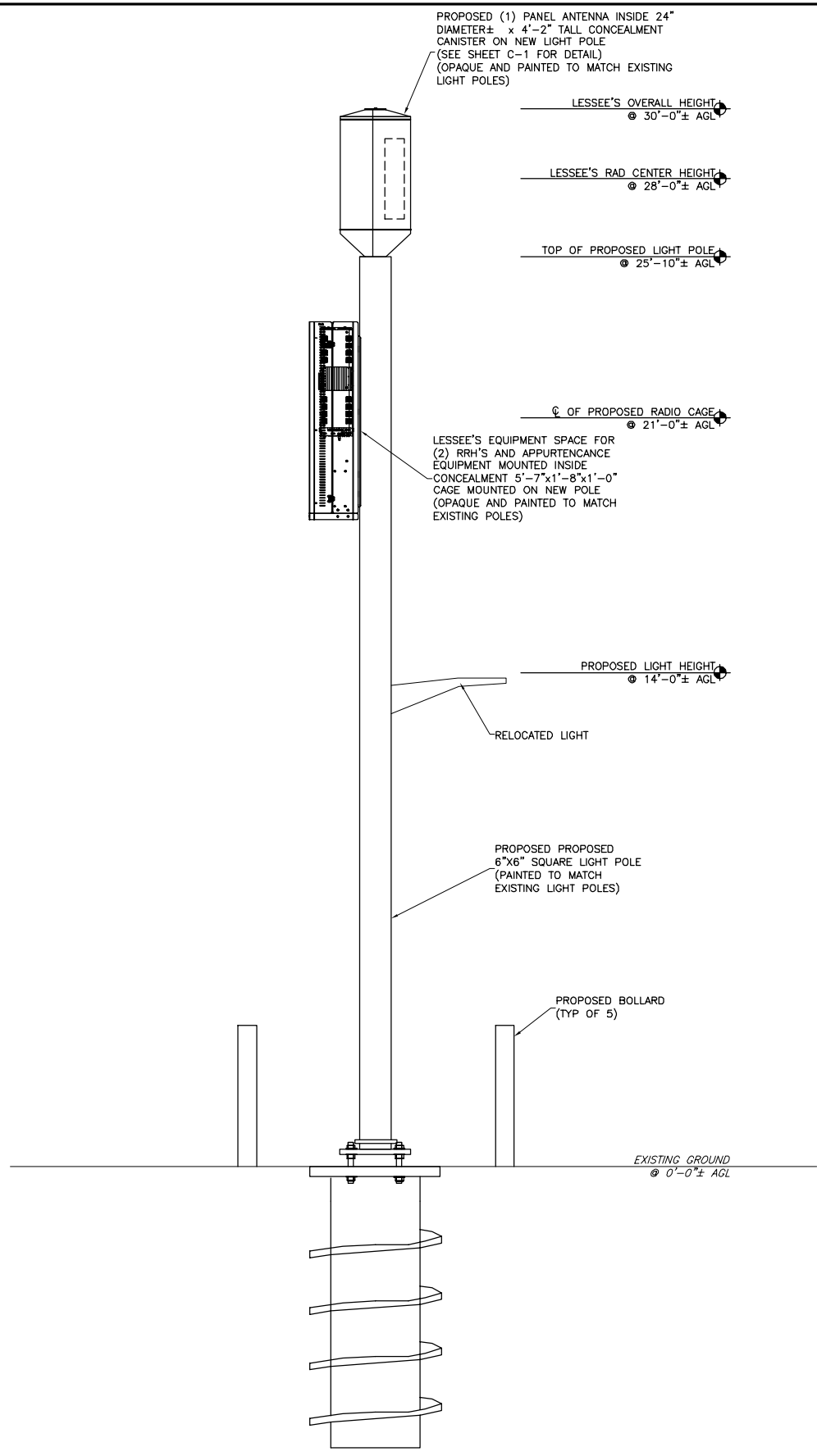
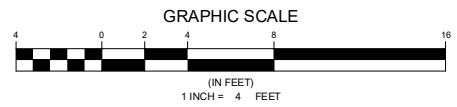
ENGINEER

SHEET TITLE

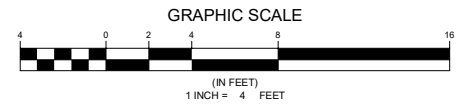
SHEET NUMBER



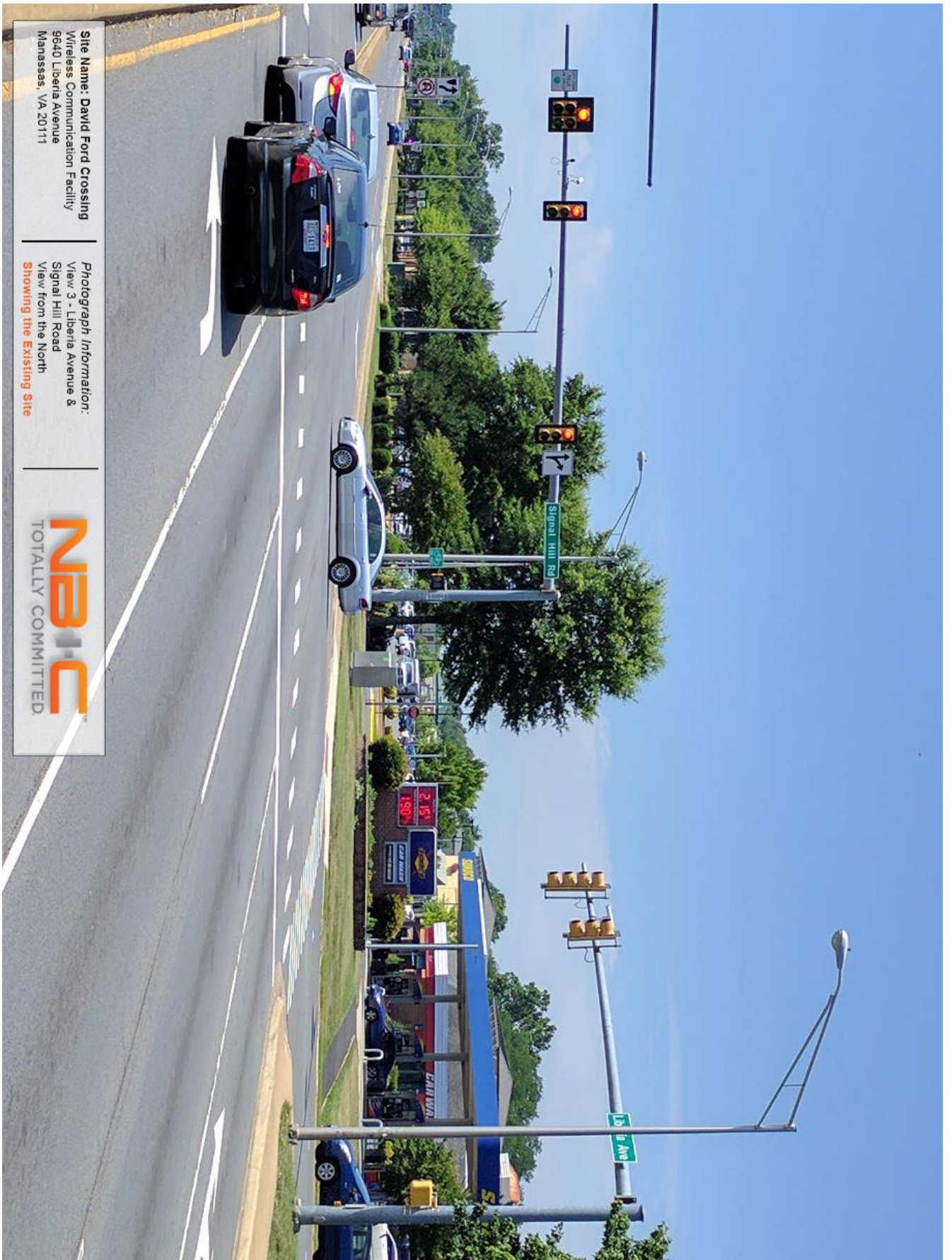
1 EXISTING ELEVATION
 SCALE: 1/4" = 1'-0"
 C-1



2 PROPOSED ELEVATION
 SCALE: 1/4" = 1'-0"
 C-1



SUP #2017-08, Attachment 4.
Photo Simulations



Site Name: David Ford Crossing
Wireless Communication Facility
5640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View: 3 - Liberia Avenue &
Signal Hill Road
View from the North
Showing the Existing Site

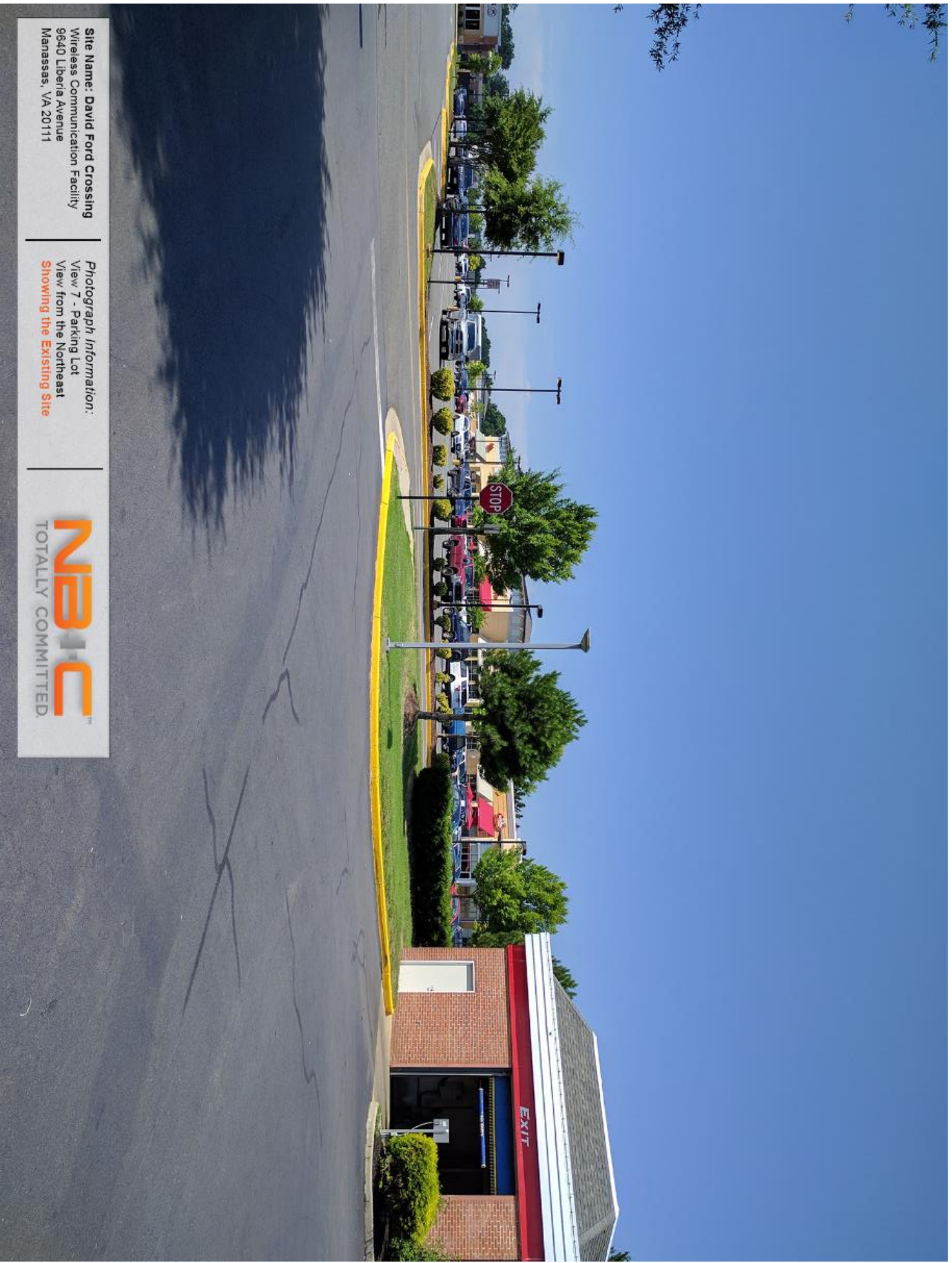




Site Name: David Ford Crossing
Wireless Communication Facility
9640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View 3 - Liberia Avenue &
Signal Hill Road
View from the North
Showing the Proposed Site

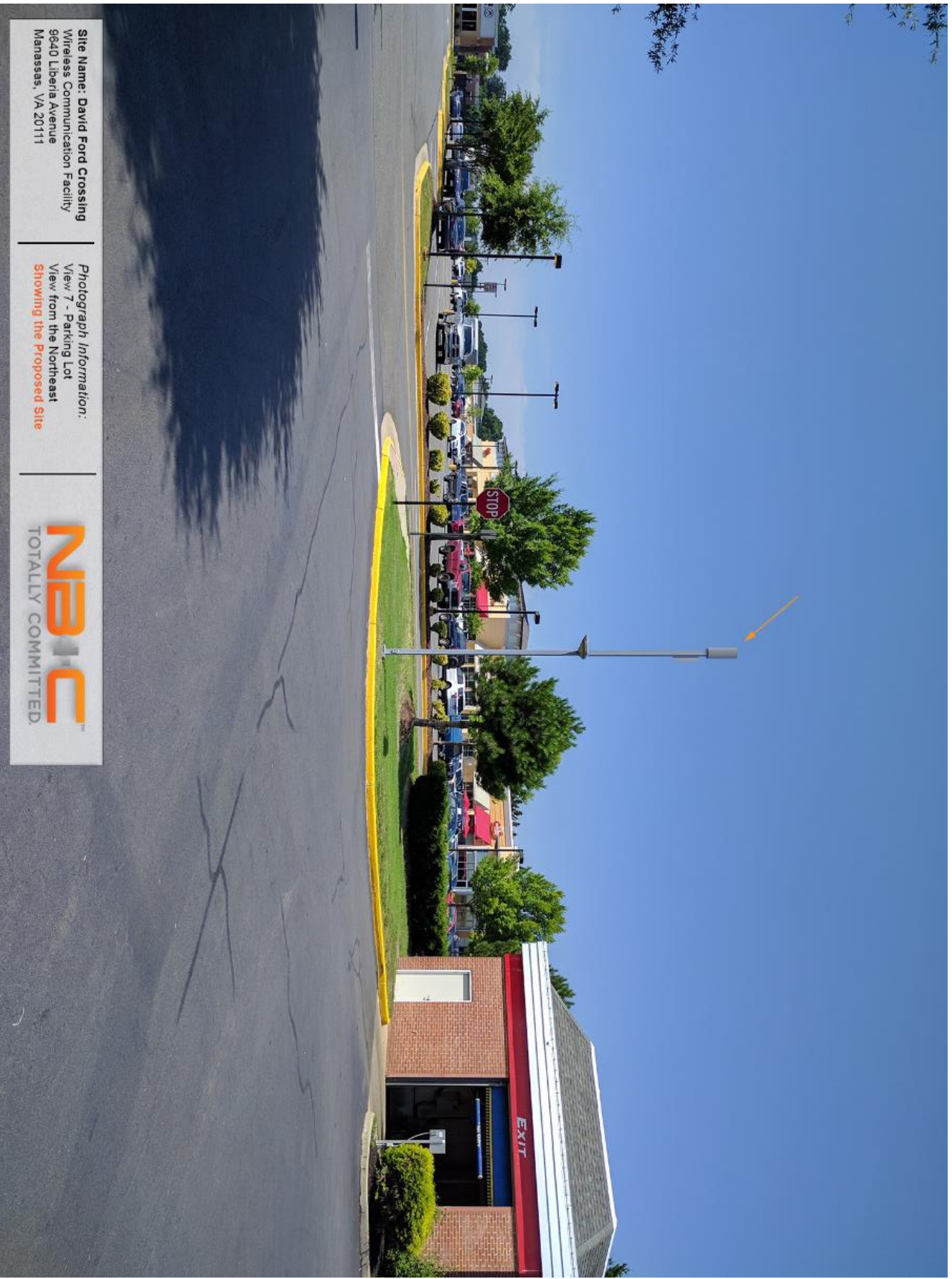




Site Name: David Ford Crossing
Wireless Communication Facility
9640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View 7 - Parking Lot
View from the Northeast
Showing the Existing Site

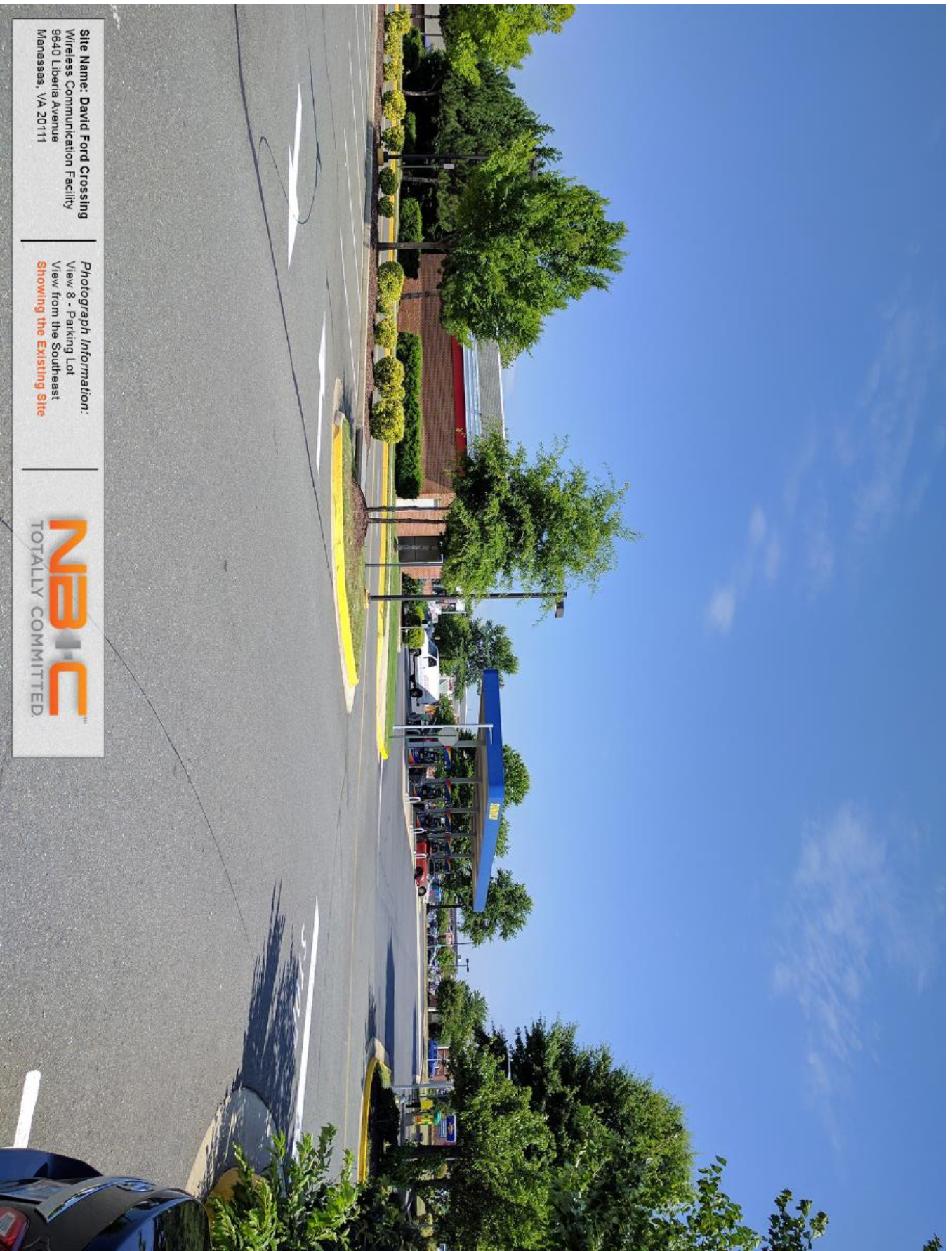
NBC
TOTALLY COMMITTED.



Site Name: David Ford Crossing
Wireless Communication Facility
9640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View 7 - Parking Lot
View from the Northeast
Showing the Proposed Site

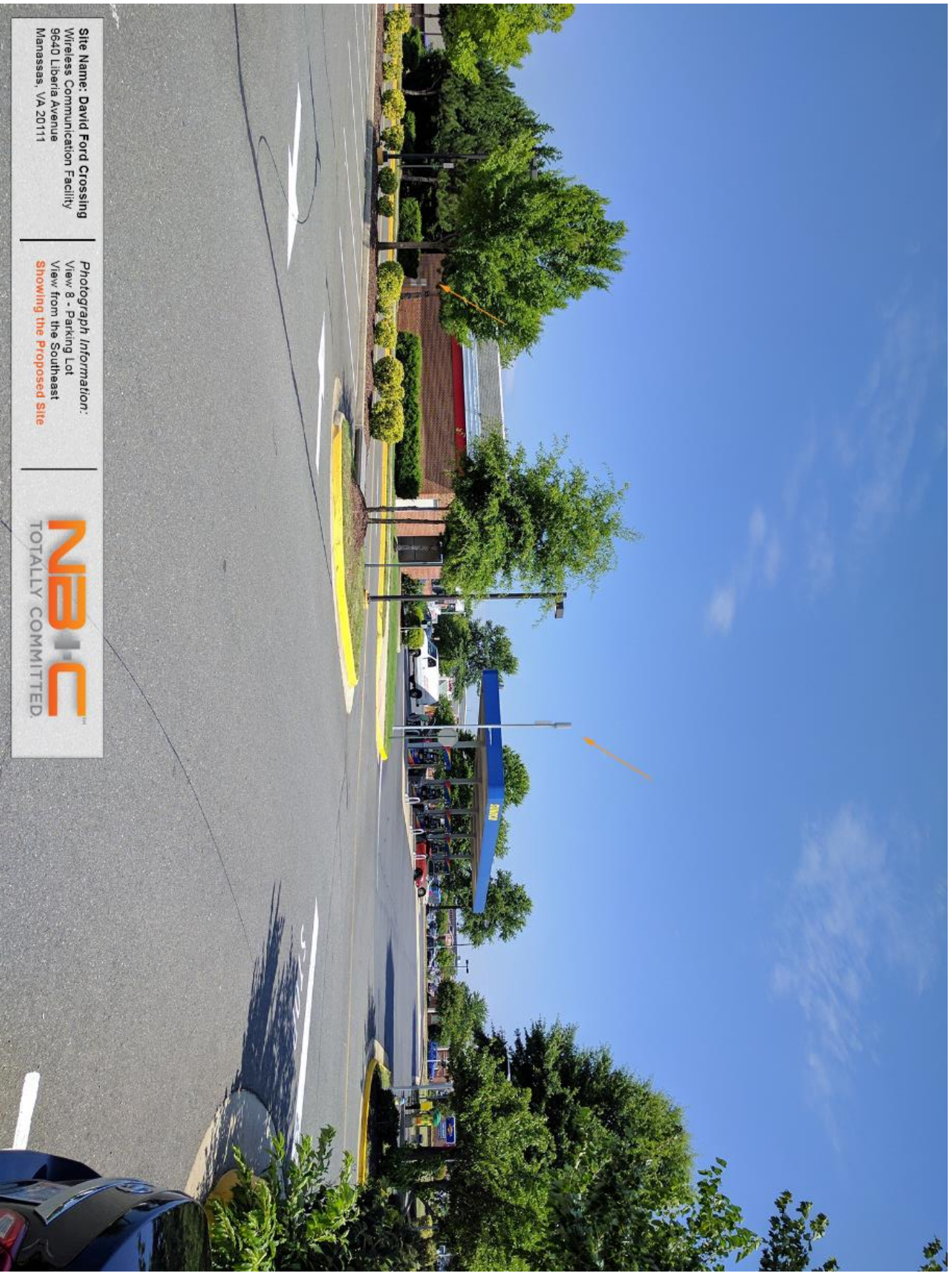




Site Name: David Ford Crossing
Wireless Communication Facility
9640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View 8 - Parking Lot
View from the Southeast
Showing the Existing Site





Site Name: David Ford Crossing
Wireless Communication Facility
9640 Liberia Avenue
Manassas, VA 20111

Photograph Information:
View: 8 - Parking Lot
View from the Southeast
Showing the Proposed Site

NBC
TOTALLY COMMITTED.

PLANNING COMMISION RESOLUTION

**Re: SUP #2017-08, Telecommunication Tower
9640 Liberia Avenue**

WHEREAS, the City of Manassas Planning Commission held a public hearing for Special Use Permit #2017-08 on August 2, 2017, to allow a telecommunication tower to be located on a replacement parking lot light as depicted on the generalized development plan; and

WHEREAS, the Commission has heard from the City staff, and the public with regards to this land use matter; and

WHEREAS, approval of the special use permit is not projected to have an adverse impact on the community, provided the reasonable recommended conditions are followed; and

WHEREAS, the application is found to be consistent with the Comprehensive Plan and compatible with existing, adjacent land uses and patterns of development.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby **RECOMMENDS APPROVAL** of SUP #2017-08, as conditioned.

Harry J. Clark
Chairperson

Date



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Planning Commission

FROM: Matthew D. Arcieri, AICP, Planning & Zoning Manager

DATE: July 28, 2017

RE: Zoning Ordinance Annual Updates

As a follow-up to the completion of the City's comprehensive zoning ordinance update, staff recommends that the City annually review the ordinance to make technical corrections and updates, and to ensure the code remains in compliance with current requirements of state and federal laws and regulations. The attached resolution will initiate the review of proposed changes to the ordinance as follows:

1. To review recently enacted state legislation for Small-Cell Wireless Facilities (Chapter 835) and Short-Term Rental of Property (Chapter 741).
2. To make technical corrections to requirements for accessory lot coverage (Sec. 130-57(c)), non-conforming lots (Sec. 130-162(c)), parking for professional personal service uses (Sec 130-204, Table 1), and height waivers for SUP and utility uses in residential zoning districts (Sec 130-262(e), Sec 130-263(e), Sec. 130-264(e), Sec 130-265(g), and Sec. 130-267(f))

Following adoption of the resolution, staff recommends referring these updates to the ZORC for review in September, followed by Planning Commission review in October.

Attachment:

1. Draft Planning Commission Resolution
2. Draft Zoning Ordinance Technical Corrections
3. Small Cell Wireless Facilities - Virginia Acts of Assembly – Chapter 835
4. Short-Term Rental of Property - Virginia Acts of Assembly – Chapter 741

Attachment 2. Draft Zoning Ordinance Technical Corrections

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

Sec. 130-57. Requirements for accessory structures.

(c) The lot coverage of an accessory structure or cumulative total of all accessory structures shall not exceed 40 percent of the lot coverage of the principal ~~structure~~building on the lot.

ARTICLE V. NONCONFORMING USES, LOTS, AND STRUCTURES

Sec. 130-162. Nonconforming lots.

(c) No building or structure may be reconstructed, altered, or expanded on a nonconforming lot unless:

(1) The reconstruction, alteration, or expansion does not increase the nonconformity of the existing lot,

~~(1)(2)~~ Such lot is consolidated with one or more adjacent lots that reduce or eliminate the nonconformity of the lot, ~~or~~

~~(2)(3)~~ A variance is granted for the reconstruction, alteration, or expansion.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS

LAND USES	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	MANASSAS LANDING, MATHIS CORRIDOR, HOSPITAL/SUDLEY	
DU = Dwelling Unit SF = Building's Gross Square Feet				
Personal Improvement Service or Professional Personal Service	1 per 500 <u>250</u> SF	1 per 1,200 <u>600</u> SF	1 per 600 <u>300</u> SF	

ARTICLE VIII. ZONING DISTRICTS
DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 130-262. R-1 low density, single-family residential.

(e) *Maximum structure height:*

- (1) No structure shall be greater than 35 feet in height. Uses permitted by a special use permit and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (2) Accessory structure height, see §130-57.

Sec. 130-263. R-2 moderate density, single-family residential.

(e) *Maximum structure height:*

- (1) No structure shall be greater than 35 feet in height. Uses permitted by a special use permit and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (2) Accessory structure height, see §130-57.

Sec. 130-264. R-2-S small lots, single-family residential.

(e) *Maximum structure height:*

- (1) No structure shall be greater than 35 feet in height. Uses permitted by a special use permits and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (2) Accessory structure height, see §130-57.

Sec. 130-265. R-3 townhouses.

(g) *Maximum structure height:*

- (1) No principal structure shall be greater than 35 feet in height. Uses permitted by a special use permit and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (2) No accessory structure shall be greater than eight and one-half feet in height.
- (3) No homeowner's association private community recreational use shall be greater than 35 feet in height.
- (4) Accessory structures shall not exceed 50 percent of the height of the principal structure.

Sec. 130-267. R-5 multifamily.

(f) *Maximum structure height:*

- (1) No principal structure shall be greater than 45 feet in height. Uses permitted by a special use permit and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (2) No homeowner's association private community recreational use shall be greater than 45 feet in height.
- (3) Accessory structures shall not exceed 50 percent of the height of the principal structure.

VIRGINIA ACTS OF ASSEMBLY -- 2017 RECONVENED SESSION

CHAPTER 835

An Act to amend the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 7.2, consisting of sections numbered 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5, and by adding in Title 56 a chapter numbered 15.1, consisting of sections numbered 56-484.26 through 56-484.31, relating to wireless communications infrastructure.

[S 1282]

Approved April 26, 2017

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 22 of Title 15.2 an article numbered 7.2, consisting of sections numbered 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5, and by adding in Title 56 a chapter numbered 15.1, consisting of sections numbered 56-484.26 through 56-484.31, as follows:

Article 7.2.

Zoning for Wireless Communications Infrastructure.

§ 15.2-2316.3. Definitions.

As used in this article, unless the context requires a different meaning:

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i);

(ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

§ 15.2-2316.4. Zoning; small cell facilities.

A. A locality shall not require that a special exception, special use permit, or variance be obtained for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider (i) has permission from the owner of the structure to co-locate equipment on that structure and (ii) notifies the locality in which the permitting process occurs.

B. Localities may require administrative review for the issuance of any required zoning permits for the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure. Localities shall permit an applicant to submit up to 35 permit requests on a single application. In addition:

1. A locality shall approve or disapprove the application within 60 days of receipt of the complete application. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The 60-day period may be extended by the locality in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the locality fails to act within the initial 60 days or an extended 30-day period.

2. A locality may prescribe and charge a reasonable fee for processing the application not to exceed:

a. \$100 each for up to five small cell facilities on a permit application; and

b. \$50 for each additional small cell facility on a permit application.

3. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

4. The locality may disapprove a proposed location or installation of a small cell facility only for the following reasons:

a. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

b. The public safety or other critical public service needs;

c. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or

d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108.

5. Nothing shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

6. Nothing in this section shall preclude a locality from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities.

C. Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from locality-imposed permitting requirements and fees.

§ 15.2-2316.5. Moratorium prohibited.

A locality shall not adopt a moratorium on considering zoning applications submitted by wireless services providers or wireless infrastructure providers.

CHAPTER 15.1.

WIRELESS COMMUNICATIONS INFRASTRUCTURE.

§ 56-484.26. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on,

under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Districtwide permit" means a permit granted by the Department to a wireless services provider or wireless infrastructure provider that allows the permittee to use the rights-of-way under the Department's jurisdiction to install or maintain small cell facilities on existing structures in one of the Commonwealth's nine construction districts. A districtwide permit allows the permittee to perform multiple occurrences of activities necessary to install or maintain small cell facilities on non-limited access right-of-way without obtaining a single use permit for each occurrence. The central office permit manager shall be responsible for the issuance of all districtwide permits. The Department may authorize districtwide permits covering multiple districts.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, ground-based enclosures, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless services between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

§ 56-484.27. Access to the public rights-of-way by wireless services providers and wireless infrastructure providers; generally.

A. No locality or the Department shall impose on wireless services providers or wireless infrastructure providers any restrictions or requirements concerning the use of the public rights-of-way, including the permitting process, the zoning process, notice, time and location of excavations and repair work, enforcement of the statewide building code, and inspections, that are unfair, unreasonable, or discriminatory.

B. No locality or the Department shall require a wireless services provider or wireless infrastructure provider to provide in-kind services or physical assets as a condition of consent to use public rights-of-way or easements. This shall not limit the ability of localities, their authorities or commissions

that provide utility services, or the Department to enter into voluntary pole attachment, tower occupancy, conduit occupancy, or conduit construction agreements with wireless services providers or wireless infrastructure providers.

C. No locality or the Department shall adopt a moratorium on considering requests for access to the public rights-of-way from wireless services providers or wireless infrastructure providers.

§ 56-484.28. Access to public rights-of-way operated and maintained by the Department for the installation and maintenance of small cell facilities on existing structures.

A. Upon application by a wireless services provider or wireless infrastructure provider, the Department shall issue a districtwide permit, consistent with applicable regulations that do not conflict with this chapter, granting access to public rights-of-way that it operates and maintains to install and maintain small cell facilities on existing structures in the rights-of-way. The application shall include a copy of the agreement under which the applicant has permission from the owner of the structure to the co-location of equipment on that structure. If the application is received on or after September 1, 2017, (i) the Department shall issue the districtwide permit within 30 days after receipt of the application and (ii) the districtwide permit shall be deemed granted if not issued within 30 days after receipt of the complete application. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the Department shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. A districtwide permit issued for the original installation shall allow the permittee to repair, replace, or perform routine maintenance operations to small cell facilities once installed.

B. The Department may require a separate single use permit to allow a wireless services provider or wireless infrastructure provider to install and maintain small cell facilities on an existing structure when such activity requires (i) working within the highway travel lane or requiring closure of a highway travel lane; (ii) disturbing the pavement, shoulder, roadway, or ditch line; (iii) placement on limited access rights-of-way; or (iv) any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof. Upon application by a wireless services provider or wireless infrastructure provider, the Department may issue a single use permit granting access to install and maintain small cell facilities in such circumstances. If the application is received on or after September 1, 2017, (a) the Department shall approve or disapprove the application within 60 days after receipt of the application, which 60-day period may be extended by the Department in writing for a period not to exceed an additional 30 days and (b) the application shall be deemed approved if the Department fails to approve or disapprove the application within the initial 60 days and any extension thereof. Any disapproval of an application for a single use permit shall be in writing and accompanied by an explanation of the reasons for the disapproval.

C. The Department shall not impose any fee for the use of the right-of-way on a wireless services provider or wireless infrastructure provider to attach or co-locate small cell facilities on an existing structure in the right-of-way. However, the Department may prescribe and charge a reasonable fee not to exceed \$750 for processing an application for a districtwide permit or \$150 for processing an application for a single use permit.

D. The Department shall not impose any fee or require a permit for the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes. However, the Department may require a single use permit if such activities (i) involve working within the highway travel lane or require closure of a highway travel lane; (ii) disturb the pavement, shoulder, roadway, or ditch line; (iii) include placement on limited access rights-of-way; or (iv) require any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in or will be conducted in a time, place, or manner that is inconsistent with terms of the existing permit for that facility or the structure upon which it is attached.

§ 56-484.29. Access to locality rights-of-way for installation and maintenance of small cell facilities on existing structures.

A. Upon application by a wireless services provider or wireless infrastructure provider, a locality may issue a permit granting access to the public rights-of-way it operates and maintains to install and maintain small cell facilities on existing structures. Such a permit shall grant access to all rights-of-way in the locality for the purpose of installing small cell facilities on existing structures, provided that the wireless services provider or wireless infrastructure provider (i) has permission from the owner of the structure to co-locate equipment on that structure and (ii) provides notice of the agreement and co-location to the locality. The locality shall approve or disapprove any such requested permit within 60 days of receipt of the complete application. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Any disapproval shall be in writing and accompanied by an explanation for the disapproval. The 60-day period may be extended by the locality in writing for a period not to exceed an additional 30 days. The permit request shall be deemed approved if the locality fails to act within the initial 60 days or an extended 30-day period. No such permit shall be required for providers

of telecommunications services and nonpublic providers of cable television, electric, natural gas, water, and sanitary sewer services that, as of July 1, 2017, already have facilities lawfully occupying the public rights-of-way under the locality's jurisdiction.

B. Localities shall not impose any fee for the use of the rights-of-way, except for zoning, subdivision, site plan, and comprehensive plan fees of general application, on a wireless services provider or wireless infrastructure provider to attach or co-locate small cell facilities on an existing structure in the right-of-way. However, a locality may prescribe and charge a reasonable fee not to exceed \$250 for processing a permit application under subsection A.

C. Localities shall not impose any fee or require any application or permit for the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes. However, the locality may require a single use permit if such activities (i) involve working within the highway travel lane or require closure of a highway travel lane; (ii) disturb the pavement, shoulder, roadway, or ditch line; (iii) include placement on limited access rights-of-way; or (iv) require any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in or will be conducted in a time, place, or manner that is inconsistent with terms of the existing permit for that facility or the structure upon which it is attached.

§ 56-484.30. Agreements for use of public right-of-way to construct new wireless support structures; relocation of wireless support structures.

Subject to any applicable requirements of Article VII, Section 9 of the Constitution of Virginia, public right-of-way permits or agreements for the construction of wireless support structures issued on or after July 1, 2017, shall be for an initial term of at least 10 years, with at least three options for renewal for terms of five years, subject to terms providing for earlier termination for cause or by mutual agreement. Nothing herein is intended to prohibit the Department or localities from requiring permittees to relocate wireless support structures when relocation is necessary due to a transportation project, the need to remove a hazard from the right-of-way when the Commissioner of Highways determines such removal is necessary to ensure the safety of the traveling public, or material change to the right-of-way, so long as other users of the right-of-way that are in similar conflict with the use of the right-of-way are required to relocate. Such relocation shall be completed as soon as reasonably possible within the time set forth in any written request by the Department or a locality for such relocation, as long as the Department or a locality provides the permittee with a minimum of 180 days' advance written notice to comply with such relocation, unless circumstances beyond the control of the Department or the locality require a shorter period of advance notice. The permittee shall bear only the proportional cost of the relocation that is caused by the transportation project and shall not bear any cost related to private benefit or where the permittee was on private right-of-way. If the locality or the Department bears any of the cost of the relocation, the permittee shall not be obligated to commence the relocation until it receives the funds for such relocation. The permittee shall have no liability for any delays caused by a failure to receive funds for the cost of such relocation, and the Department or a locality shall have no obligation to collect such funds. If relocation is deemed necessary, the Department or locality shall work cooperatively with the permittee to minimize any negative impact to the wireless signal caused by the relocation. There may be emergencies when relocation is required to commence in an expedited manner, and in such situations the permittee and the locality or Department shall work diligently to accomplish such emergency relocation.

§ 56-484.31. Attachment of small cell facilities on government-owned structures.

A. If the Commonwealth or a locality agrees to permit a wireless services provider or a wireless infrastructure provider to attach small cell facilities to government-owned structures, both the government entity and the wireless services or wireless infrastructure provider shall negotiate in good faith to arrive at a mutually agreeable contract terms and conditions.

B. The rates, terms, and conditions for such agreement shall be just and reasonable, cost-based, nondiscriminatory, and competitively neutral, and shall comply with all applicable state and federal laws. However, rates for attachments to government-owned buildings may be based on fair market value.

C. For utility poles owned by a locality or the Commonwealth that support aerial cables used for video, communications, or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. § 224 and implementing regulations. The good faith estimate of the government entity owning or controlling the utility pole for any make-ready work necessary to enable the utility pole to support the requested co-location shall include pole replacement if necessary.

D. For utility poles owned by a locality or the Commonwealth that do not support aerial cables used for video, communications, or electric service, the government entity owning or controlling the utility pole shall provide a good faith estimate for any make-ready work necessary to enable the utility pole to support the requested co-location, including pole replacement, if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good faith estimate by the wireless services provider or a wireless

infrastructure provider.

E. The government entity owning or controlling the utility pole shall not require more make-ready work than required to meet applicable codes or industry standards. Charges for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services for similar work and shall not include consultants' fees or expenses.

F. The annual recurring rate to co-locate a small cell facility on a government-owned utility pole shall not exceed the actual, direct, and reasonable costs related to the wireless services provider's or wireless infrastructure provider's use of space on the utility pole. In any controversy concerning the appropriateness of the rate, the government entity owning or controlling the utility pole shall have the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the utility pole for such period.

G. This section shall not apply to utility poles, structures, or property of an electric utility owned or operated by a municipality or other political subdivision.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 741

An Act to amend and reenact §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-983, relating to the short-term rental of property.

[S 1578]

Approved March 24, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-983 as follows:

§ 4.1-100. (Effective until July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. *For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.*

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club

because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage

facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats

which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-100. (Effective July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of

alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. *For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.*

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully

manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen

facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic

beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-200. Exemptions from licensure.

The licensure requirements of this chapter shall not apply to:

1. A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, who administers or causes to be administered alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes. Such person may charge for the alcoholic beverages so administered, and carry such stock as may be necessary for this purpose. No charge shall be made of any patient for the alcoholic beverages so administered to him where the same have been supplied to the institution by the Board free of charge.

2. The manufacture, sale and delivery or shipment by persons authorized under existing laws to engage in such business of any medicine containing sufficient medication to prevent it from being used as a beverage.

3. The manufacture, sale and delivery or shipment by persons authorized under existing laws to engage in such business of any medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia; national formulary, patent and proprietary preparations; and other bona fide medicinal and technical preparations; which contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in such preparations, and no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, and which are manufactured and sold to be used exclusively as medicine and not as beverages.

4. The manufacture, sale and delivery or shipment of toilet, medicinal and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages.

5. The manufacture and sale of food products known as flavoring extracts which are manufactured and sold for cooking and culinary purposes only and not sold as beverages.

6. Any person who manufactures at his residence or at a gourmet brewing shop for domestic consumption at his residence, but not to be sold, dispensed or given away, except as hereinafter provided, wine or beer or both, in an amount not to exceed the limits permitted by federal law.

Any person who manufactures wine or beer in accordance with this subdivision may remove from his residence an amount not to exceed fifty liters of such wine or fifteen gallons of such beer on any one occasion for (i) personal or family use, provided such use does not violate the provisions of this title or Board regulations; (ii) giving to any person to whom wine or beer may be lawfully sold an amount not to exceed (a) one liter of wine per person per year or (b) seventy-two ounces of beer per person per year, provided such gift is for noncommercial purposes; or (iii) giving to any person to whom beer may lawfully be sold a sample of such wine or beer, not to exceed (a) one ounce of wine by volume or (b) two ounces of beer by volume for on-premises consumption at events organized for judging or exhibiting such wine or beer, including events held on the premises of a retail licensee.

Nothing in this paragraph shall be construed to authorize the sale of such wine or beer.

The provision of this subdivision shall not apply to any person who resides on property on which a winery, farm winery, or brewery is located.

7. Any person who keeps and possesses lawfully acquired alcoholic beverages in his residence for his personal use or that of his family. However, such alcoholic beverages may be served or given to guests in such residence by such person, his family or servants when (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older, (ii) the consumption or possession of such alcoholic beverages by family members or such guests occurs only in such residence where the alcoholic beverages are allowed to be served or given pursuant to this subdivision, and (iii) such service or gift is in no way a shift or device to evade the provisions of this title. *The provisions of this subdivision shall not apply when a person serves or provides alcoholic beverages to a guest occupying the residence as the lessee of a short-term rental, as that term is defined in § 15.2-983, regardless of whether the person who permanently resides in the residence is present during the short-term rental.*

8. Any person who manufactures and sells cider to distillery licensees, or any person who manufactures wine from grapes grown by such person and sells it to winery licensees.

9. The sale of wine and beer in or through canteens or post exchanges on United States reservations when permitted by the proper authority of the United States.

10. The keeping and consumption of any lawfully acquired alcoholic beverages at a private meeting or private party limited in attendance to members and guests of a particular group, association or organization at a banquet or similar affair, or at a special event, if a banquet license has been granted. However, no banquet license shall be required for private meetings or private parties limited in attendance to the members of a common interest community as defined in § 54.1-2345 and their guests, provided (i) the alcoholic beverages shall not be sold or charged for in any way, (ii) the premises where the alcoholic beverages are consumed is limited to the common area regularly occupied and utilized for such private meetings or private parties, and (iii) such meetings or parties are not open to the public.

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. *Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.*

2. *No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.*

C. 1. *If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.*

2. *Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.*

D. *Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created*

pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

Planning Commission Monthly Update – Pending Land Use Cases

August 2, 2017

CC= City Council; PC= Planning Commission

Case Name	Date Submitted	Staff Assigned	Address/ Description	Status
REZ #16-04; Tillett Square	6/20/16	Davis	9522 Fairview Ave. and 8812 Wesley Ave.; Rezone ±5.8 acres from R-1 and R-5, with proffers and HOD to B-3.5, with proffers and HOD. The project would allow 70 single-family attached homes (townhomes) and six single-family detached homes, including the adaptive reuse of two historic buildings as single-family detached homes.	Application accepted: 6/24/16 ARB Worksession: 12/13/16 PC hearing: TBD
SUP #16-05; Mathis Trucks Unlimited	3/2/16	Davis	9107 Mathis Ave.; SUP to allow motor vehicle repair. The repair use will be limited to the installation of motor vehicle parts sold at the “Trucks Unlimited” retail store located onsite.	Application accepted: 3/2/16 PC recommended denial: 7/6/16 CC approved: 7/24/17
SUP #17-02; Metz Middle School Telecommunication Tower	1/13/16	Davis	9950 Wellington Road; SUP for placement of a 106-ft tall wireless communication tower collocated on replacement athletic field light.	Application accepted: 1/18/16 PC recommended approval: 5/3/17 CC approved: 6/26/17
SUP #17-04 & REZ #17-02; Pierce Funeral Home	3/6/17	Davis	9609 Center Street & 9406 Stonewall Road; SUP amendment and concurrent rezoning from R-5 to I-1 to permit a columbarium in conjunction with the existing funeral home.	Application accepted: 3/10/17 PC hearing: TBD
SUP #17-05 & SUP #17-06; Weems Elementary School and Haydon Elementary School	3/30/17	Davis	SUP to extend the use of modular classrooms at Weems and Haydon Elementary Schools to coincide with the completion of the Dean Elementary School replacement facility.	Application accepted: 3/30/17 PC recommended approval: 5/3/17 CC approved: 6/26/17
SUP #17-07; American Disposal Services	5/17/17	Davis	10360-10370 Central Park Drive; SUP amendment to expand compressed natural gas truck fueling operations from 30 to 114 bays.	Application accepted: 5/19/17 PC hearing: TBD
SUP #17-08; Wireless Telecommunication Tower	5/18/17	Davis	9640 Liberia Avenue; SUP to replace an existing light pole with a 30-ft replacement pole with 1 Verizon Wireless small cell antenna.	Application accepted: 5/19/17 PC hearing: 8/2/17