

**Albemarle County Planning Commission  
August 4, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, August 4, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Staff present was Scott Clark, Senior Planner, Chris Perez, Senior Planner; Rachel Falkenstein, Senior Planner; Margaret Maliszewski, Principal Planner; Amanda Burbage, Senior Planner; John Anderson, Civil Engineer; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

**Public Hearings**

**a. SP-2015-00007 All Saints Chapel**

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 04800-00-00-001600 & a small portion of 04800-00-00-019E0

LOCATION: 3929 Stony Point Road

PROPOSAL: Expansion of an existing Church to construct a 795 SF building addition (social hall), associated parking, and entrance upgrades.

ZONING: VR Village Residential - 0.7 unit/acre.

ENTRANCE CORRIDOR: Yes

SCENIC BYWAYS: Yes

SOUTHWEST MOUNTAINS RURAL HISTORIC DISTRICT: Yes

PROFFERS: No

COMPREHENSIVE PLAN: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)

PETITION: Church uses in the VR zoning district require a Special Use Permit per Section 12.2.2(15).

(Chris Perez)

Mr. Perez presented a PowerPoint presentation regarding SP-2015-00007 All Saints Chapel.

The proposal is for expansion of an existing 600 square foot church building which was built in 1929. The applicant plans to construct a 795 square foot building addition (social hall), bathrooms, vesting room, closet, associated parking, and entrance upgrades.

Church uses are permitted by Special Use Permit in the Village Residential (VR) zoning district. All Saints Chapel is an existing non-conforming use on site because it is existing and functioning as a church without a Special Use Permit. The expansion/addition of the facility requires the Church to become compliant and go through the Special Use Permit process. Additionally because VDOT entrance upgrades are required, a site plan is also required for the proposal.

Both parcels involved with the special use permit are shown in the concept plan that include 04800-00-00-001600 and a small portion of 04800-00-00-019E0. Tax Map/Parcel 48-16 is the primary 2 acre parcel where the church is currently located and only a small portion of Tax Map/Parcel 48-19E will be involved because that is where an entrance upgrade is going to be crossing over 2 properties.

The proposed concept plan shows the proposed entrance coming down to six parking places as well as the proposed addition. As part of this the church is going to install some septic systems. The location of the proposed primary and reserve septic fields are shown on the concept plan.

Other items talked about in this proposal are ARB recommendations. He pointed out the location of the three piers noting the gate will access the third pier. That will be discussed further during the review of the conditions.

Staff has identified factors which are favorable and unfavorable to this proposal:

**Factors favorable to this request include:**

1. An existing, nonconforming use would be brought into conformity with the Zoning Ordinance
2. No significant impacts would be created by the proposed addition
3. The Architectural Review Board has reviewed the request and recommends approval with conditions.

**Factors unfavorable to this request include:**

1. None.

**RECOMMENDED ACTION FOR THE SPECIAL USE PERMIT:**

Based on the findings contained in this staff report, staff recommends approval of SP-2015-00007 All Saints Chapel based upon the analysis and conditions in the staff report.

1. Development and use shall be in general accord with the conceptual plan titled "All Saints Chapel SP201500007" prepared by Joseph Associates LLC and dated June 1, 2015 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- *building orientation*
- *building mass, shape, and height*
- *location of buildings and structures*
- *location of parking areas*
- *relation of buildings and parking to the street*

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

2. Side and rear setbacks shall be commercial setback standards, as set forth in Section 21.7(b) of the Albemarle County Zoning Ordinance, and shall be maintained adjacent to residential uses or residentially zoned properties. Front yard setbacks associated with parking shall be commercial setback standards, as set forth in Section 21.7(a) of the Albemarle County Zoning Ordinance.

3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. The applicant shall obtain VDOT approval of a commercial entrance prior to approval of the final site plan.
5. The applicant shall obtain Virginia Department of Health approval of well and/or septic system prior to approval of the final site plan.
6. If it is determined that site conditions allow, switch the locations of the primary and secondary drain fields.
7. If trees are removed or die as a result of drain field installation, the trees shall be replaced with 2" caliper trees. The location of replacement trees shall be shown on a revised landscape plan to be approved by the Director of Planning or his designee.
8. Materials and colors of the addition shall be compatible with the materials and colors of the historic chapel.
9. Except for repair and maintenance of the fence where there is no substantial change in design, and except for renovation of the fence to accommodate a new gate to provide access from the parking area to the existing front entrance of the chapel where the gate design is compatible in form and materials with the existing fence design, the fence and its stone end piers shall be retained without change.
10. If after meeting VDOT and County Engineering requirements, clearances between the edge of the entrance drive and the property line allow, relocate the stone pier on the east side of the entrance drive prior to issuance of Certificate of Occupancy (CO).
11. Prior to final site plan approval, the entrance to the site shall either be located entirely on the Church Property (TMP 04800-00-00-01600) by adjusting the property line between TMP 04800-00-00-01600 and TMP 04800-00-00-019E0, or the applicant shall obtain an easement from the owner of TMP 04800-00-00-019E0 to allow the portion of the entrance to be located on that parcel.

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Also, pursuant to County Code Section 18-33.8(b)(5), the use shall have a condition which specifies the period by which the use must begin or the construction of any structure required for the use must commence. Staff and the applicant can work out a time frame for this before the item goes to the Board of Supervisors.

Mr. Perez explained conditions 1 through 5 are pretty standard. Condition 1 talks about general conformity with the concept plan/initial site plan.

Condition 2 gets into setbacks with regards to the VR. It is a commercial use and the VR District does not account for parking setbacks so they utilize commercial setbacks.

Condition 3 is another standard condition with no daycares. Typically churches want to go ahead and try to use daycares so staff took that out.

Condition 4 requires the applicant to obtain VDOT approval of the commercial entrance prior to approval of the final site plan. They left it general so it flat out talks about commercial entrance

versus the actual standard entrance as a low volume or a high volume. For this specific use VDOT has agreed to a low volume commercial entrance per the applicant's testimony about the number of trips and how many people at the church will use it. Staff left that condition general so if it did have to kick up it would not have to come back.

Condition 5 noted Health Department approval of the well and septic system will happen at the final site plan.

Staff will talk about conditions 6 through 10 in a few minutes. Conditions 6, 7, 8, 9 and 10 all speak to Architectural Review Board (ARB) conditions.

Condition 11 is a condition with regards to the off-site entrance. That refers to the little sliver that crosses over onto the neighbor's property, which is included in the special use permit now. They are also on board with that.

There is one addition with regards to County Code Section 18-33.8(b) (5), which speaks to setting some type of time frame when the use or buildings should commence. Staff figures they will go ahead and handle that before the request goes to the Board of Supervisors. Staff will talk it over with the applicant to see what the time frame is they want to do such as 2 years or 5 years. This addition is costing the church a lot of money.

Mr. Morris invited questions for staff.

Mr. Randolph said the Commission has received a communication from Marcia Joseph requesting the drain field be placed in the primary or secondary location as shown on the plan. He asked if staff would have difficulty with that.

Mr. Perez replied that was speaking to condition 6 the drain fields may be placed in a primary and secondary location shown on the plan. The ARB reviewed the plans and condition outlined in #6 is worded so that it is an "if" kind of condition. The main purpose of that was to preserve trees along the Entrance Corridor. When coming along the Entrance Corridor this is a prime spot that would be blocking the addition. However, if they go ahead and put the primary there, which the condition states if it is determined so they would be preserving trees. That is what the ARB point was with that condition.

Mr. Randolph asked the approximate age of the trees that the ARB is so concerned about. Would it be sort of 100-year old hardwood trees that are in this location?

Mr. Perez replied there is a mix of trees in this area. The site plan shows some of them. However, based on walking the site there are some large trees; but then there are some smaller inch to 2½ inch kinds of things.

Mr. Randolph asked if he would actually describe that most of the forest there is a fairly immature or recent forest.

Mr. Perez replied no. In a slide he referred to a picture of what it looks like in the winter months. There are a lot of deciduous trees with some larger ones and they get smaller as you go back. But, again, that condition was predicated on the ARB reviewing it. He thinks there is some more information that Ms. Joseph will discuss today about that condition.

Mr. Randolph pointed out the point is that there are not any 100 year old trees or trees of historic importance from the standpoint of a marker tree for the community. There may be trees

in there, but there are a fair number of trees that are fairly recent saplings less than ten years or there about in terms of age. The third question would be in terms of the stone pier on the east side of the entrance. VDOT might want to look at actually proposing removing that stone pier. Does that stone pier have any historical importance in your judgment?

Mr. Perez replied specifically the ARB did the review on the piers. This church has contributing factors to the district including the building as well as the fences. In the applicant's own documentation, which is included in the staff report, they mention that the gates represent "outreached arms of the church". It was determined by the ARB that those were valuable things in the district. In a picture he showed the Commission what the three piers looked like and the one pier they were talking about relocating. The proposed entrance would be located in this location and the ARB's recommendation was to take the one pier and move it over to accommodate the entrance as well as the access isle. The way they worded it was if after meeting VDOT and Engineering requirements being that they might not be able to locate it based on grading as well the true design of the entrance once they get the final site plan. The applicant has expressed some concerns that it is going to cost a lot of money to take the pier down. The pier is stone and is not going to be easily moved. Most likely they will have to take it down and then rebuild it through a mason. That has been discussed, but the ARB's recommendation was what it was.

Mr. Randolph said moving the pier would change the historical appearance on the road of the existing church.

Mr. Perez noted they were widening the entrance and it would kind of keep the existing condition. However, they would lose this gate that they are seeing.

Mr. Randolph noted the other thing he would ask about is that VDOT is viewing this project as a low volume commercial entrance. If a business had the volume of traffic this church has on Sunday in your judgement would the business still be in operation.

Mr. Perez replied probably not.

Mr. Randolph questioned if it was appropriate to refer to it as a low volume commercial entrance from VDOT's perspective when the point in fact is it could not operate as a low volume business. This is a low, low, low volume enterprise.

Mr. Benish noted that is VDOT's terminology for a standard of crossing.

Mr. Randolph said he understands, but VDOT's terminology automatically sort of fits the project in from a perspective that it is inconsistent with the actual usage that he is sure the applicant will bring out. So he just wanted to make that observation and raise that question.

Mr. Morris asked if there were other questions. He asked what the max capacity of the church at this particular point is.

Mr. Perez replied from the documentation the average number of worshipers on two Sunday is 18 persons. The highest number of worshipers within recent years is 25 persons primarily on Easter and Christmas. It is a small church. From the community meeting it was pretty tight in there.

Mr. Morris said the number of parking spaces was more than adequate.

Mr. Perez agreed and pointed out it was determined by zoning officers that through the parking study that six parking spaces would be enough.

Ms. Firehock commented that it was a very narrow entrance anyway. She was wondering because it seems like Fire and Rescue would need a wider entrance because they could not get a fire truck in through there. They could drive across the lawn to fight a fire, but she did not know if they had other standards that were brought to bear in this consideration.

Mr. Perez said he believed that Fire and Rescue requires a 20' wide access entrance. So Fire and Rescue is a big one. County engineering was willing to drop it to 18'. Throughout the flushing of the design it was determined that they are going to go for literally pushing this entrance out so that it would be the total width of the access road versus squeezing in and then squeezing out. So it would be a one lane of traffic, which was something that they considered, too.

There being no further questions, Mr. Morris opened the public hearing for applicant and public comment. He invited the applicant to address the Commission.

Marcia Joseph, representative for All Saints Chapel for the special use permit, presented a PowerPoint presentation. (Attachment: All Saints Chapel presentation – Available with written minutes in office of clerk) It a mission church for Grace Episcopal Church, which is over on the other side of the Southwest Mountains on Route 231 just so you know the connection between the two. The church has been around since 1929.

She wanted to answer the question very quickly about the emergency vehicles. She talked to Bobby at Fire Rescue and at this point he said if they could get within 200' they were good. So you can get way beyond the end of this building with your 200' of hose going through the woods. She just wanted the Commission to know that the fire truck did not have to go into the back.

In photos she pointed out the church in the winter time so they can see there are still significant trees. In photos of the view along the east along Route 20 and the view to the west she pointed out the difference in the seasons.

They are requesting to remove or amend condition 6, 7 and 10.

- Condition 6 - Switch drain fields from primary to secondary location
- Condition 7 - Replace trees in drain field location if they die
- Condition 10 - Relocate stone pier to allow for required parking lot travel way improvements

She asked the Commission to consider the scale of this proposal and the intensity of the use of the existing building and proposed addition.

- The existing structure is around 600 square feet.
- The proposed addition is around 700 square feet (24' X 28' minus the connecting hallway). She pointed out the proposed addition could pretty much fit in room 241.
- The use of the sanctuary and social hall will not be concurrent.
- The parking required 6 spaces, which they have.
- There is less than 50 vehicle trips per week (church services 2x per month on Sunday at 9 a.m.)
- VDOT allows Low Volume Commercial Entrance. She agreed that it maybe should be called something different. She tried very hard to get it less than that.
- The water usage and waste water disposal volumes are very low.

She asked the Commission to consider the site constraints.

- Entrance location and size – as required by VDOT
- Septic fields – where suitable soils are located
- Keeping addition subservient to existing building – locating it behind existing building
- Providing parking and travelway on the side of the building, not in the front, to maintain the existing character of the site viewed from the Entrance Corridor
- Avoiding area where “stones” are located because they could be grave sites. They do not know and have not done that much investigation. They will protect those areas before construction commences.
- Preserving the essence of the forest surrounding the building by removing as few trees as necessary

She would like the Commission to consider using the same concern for historic churches that the county used for Country Stores built on or prior to January 1, 1965. She asked consideration of the following factors:

- Sec. 5.1.45.a Country Store Class A – Built before Jan. 1, 1965
- Sec 5.1.45 a.3. Exemptions – Onsite parking requirements (Sec. 32.7.2.7, and 32.7.2.8), and Landscaping (Sec. 32.7.9)
- From the Country Store staff report November 12, 2008 it talks about one of the concepts of preserving these things is so that the buildings don't go into disrepair. So they are actually encouraging people to use those country stores. “With the underlying principle that country stores are an integral part of rural communities, the country stores zoning text amendment is intended to provide the flexibility needed to encourage country stores to remain in business, to reopen, or to be established. Compliance with current regulations has been difficult or impossible for historic stores, as they are often located on very small parcels and are nearly always located close to the road. The importance of protecting the remaining historic/older county stores (50 years and older) led to the separation of country stores into two classes: Class A (historic) and Class B (non-historic), with additional measures that recognize the existing circumstances of historic country stores. Historic country stores would be a by-right use and all others, including new stores, would require a special use permit.”
- All Saint's Chapel has been used twice monthly for religious services on Sundays since 1929 and it is noted as a contributing structure in the Southwest Mountains Historic District. (There is no specific reference in the documentation that she found concerning the historic significance of the stone piers or the fence.) But, they are not touching the fence or two of the piers.

In the first submittal they came in and were really trying very hard to avoid the tree. They could see the funky looking parking area. In the next submittal what was curious to us is that the ARB saw the first submittal and was okay with the site, but when they saw the second submittal they had some concerns about the trees. She pointed out the two plans put together. They were not prepared to show the ARB any of the photographs or anything showing the vegetation that existed out there.

She asked the Commission to consider amending this condition to read, “Drain field may be placed in or near the primary or the secondary location as shown on the plan, or in an area closer to the rear of the property line.” This will allow flexibility without requiring the applicant to justify the “site conditions” and staff to agree that the “site conditions” warrant the change in location. The applicant is currently working with a soil scientist to locate the drain field further from Route 20N behind the proposed addition. So if they can make this condition a little more

flexible that would really help. Part of the area that is in the drain field they have designated on plan itself.

As far as significant trees she considers most trees significant. She thinks if they can try to save whatever we can and maybe more will be saved in the rear.

She asked the Commission to consider removing condition #7, which is the one replacing the trees. For one, how do you determine if the tree declines because of age, installation or whatever? If it is a condition of the special use permit, does this go on forever? As many saplings exist they can fill in any open space. Losing trees and replacing them with a 2" caliper tree she will admit this is something she came up in the ARB meeting. However, to replace the 2" caliper tree is not going to have that much of an effect on the view that is coming down the corridor. It is more than likely that they can because they had the soil scientist out on Monday to lay out a new line for us in the rear of the property.

In slides she pointed out the view into the site from the road during the winter and summer.

She asked the Commission to consider removing condition #10, which has to do with replacing the stone pier. Our contractor, Ralph Dammann, is here and can speak to this. They have talked about picking the stone pier up, but don't what is going to happen if they picked it up and tried to place it someplace else. They realize the cost of rebuilding this could be substantial. She pointed out the blue tape on the floor gives an idea what the 10' entrance would look like. They would love to keep their piers and take our 18' and squeeze it down to 10' and then come out to 20' again, but that was not something the engineering department would go for. So they created another drawing that showed a much wider entrance.

Our design planner wrote back in an email that said she realized that the proposed addition would help support the continued use of an historic church. The new entrance to the site is required and there are considerable site constraints. That is why it was referring to the country stores. This is definitely a way to keep this a viable building by allowing people to have a bathroom space and also space where they can have a coffee hour.

The next slide shows the gate and stone prier. The two tall trees right to the side will be gone. The request is to remove or amend three of the conditions 6, 7 and 10. In the next slide she cropped the picture to show what it would look like without the three piers. In closing, a special use permit allows the Commission to create conditions of approval specific to the request considering scale and intensity of the use. They hope the Commission will be able to base your decision on the minimal impact the continuation of this church will have when they compare the intensity of use one would expect to see on a property housing a historic country store, which is currently exempt from any county development standards. They also have present Adam Sutphin, architect for the project, Ralph Dammann, who is the contractor that can talk about the equipment they will use in the drain fields; and Corky Shackelford, who is a trustee and person coordinating the wishes of Thomas Crenshaw who generously gave funds to add indoor plumbing and a social hall to the existing chapel.

Mr. Morris invited further questions for the applicant.

Mr. Keller noted there was some reference about possibly getting an easement from the adjoining property so that the entry way could be pass the stone pier. He asked what the status was of that.

Ms. Joseph replied it was in the process right now. They have the language written up and are trying to figure out once they get to the final stage how much that easement needs to be.

Mr. Keller asked if that is the case then there would not be any need to remove any of the stone piers.

Ms. Joseph replied yes, but they would have to put the whole entrance over on the site, which is not a viable option. When drawing up the plan she assumed they could use the 15' VDOT prescriptive easement, but that is not the way it is being interpreted. It is not ours to use. The 15' prescriptive easement is still the property of the adjacent property and not just anyone's in the Commonwealth.

Mr. Keller pointed out they were not able to work with them to get that additional sliver so that you could enter to the east most pier and come into the area that way.

Ms. Joseph said at this point it seems the easiest thing to do is to create that easement so that they can continue on with this. There are many owners to that property and it takes a while to get people to decide how they want to proceed. The easement seems to be the simplest way that they can accomplish what we need to.

Mr. Keller asked if there were any historical photographs of the chapel from the 20's or 30's.

Ms. Joseph replied that she has photographs from the 40's.

There being no further questions for the applicant, Mr. Morris invited public comment.

Adam Sutphin, architect working with All Saints Chapel, pointed out he had a couple boards of boards showing the beautiful little chapel. It is a jewel and they wanted to treat it very gently with the respect it deserves. When they think about numbers the church is 600 square feet with the addition a little over 700 square feet. So they want to go overwhelm. He explained the existing footprint and foundation plan. The plan sets the entire addition to the rear of the church. Instead of putting one roof over it, they broke it down into pieces so there is a roof over the main gathering space and then the vesting room, bathroom, hallway and storage is a shed roof. He pointed out illustrations of the proposed addition on the existing chapel.

Ralph Dammann, owner of Dammann Construction and parishioner of Grace Church, said he had been worshipping at All Saints Chapel. The only thing he has to contribute is to let the Commission know they intend to use all care in installing particularly the leach field and septic field. They use a light machine what is known as a mini excavator. They think they will be able to put this new septic field in the back behind the new building, which will be a considerable distance from the highway. It is also a site where the trees are a little sparser. There is no reason at all why they should not be able to dig between the trees and lay this field out. The soil scientist was there yesterday, which was the second time he had been to the site. The soil was fine back there. But, it is a better site as far as trees go as well. Otherwise, it is a small project and they can easily enough work within the space. There is a lot of space that is open behind the existing chapel now. He thinks they can work that in with what they create for the roadway. They also mention with regards to the column that it might be removed or moved. From my perspective it is far better to remove it. If they look at one of the pictures that Ms. Joseph took of the front of the church it shows columns framing the church. If you look at it carefully you don't miss the gate and miss the column that is not in that picture, the church is still framed. The other reason to eliminate the column is they have a shot at saving the oak tree that might be square where the column would go.

Corky Shackelford said he had been a member of this little congregation all his life. That dates back to within a year of its building. He did not remember the building of the chapel, but Mr. Robertson he knew very well who was the director at that time. He thinks Mr. Robertson's idea was to get out to the people because the road over the mountain to the big church was a little too long for a horse and buggy and a little too steep for the automobiles they had. That has been a matter in everybody's mind who has been in regular attendance. Tommy Crenshaw was also a lifetime member and left a good main part of his estate to the chapel and that is when they decided they wanted to use it for things that the building really needs. That includes running water and indoor plumbing in the storage areas and a way to have something like coffee hour after church. He would like to say they are going to expand the congregation that way, and he would hope it would attract people. But, it was a shock to us when we applied for a building permit last year in 2014 and find out that triggered our designation as a business. The result of that has been all these restrictions and requirements that you have been hearing about. The cost of those is already amounted to a significant part of that bequest and what is ahead with these requirements is going to be even more. They have raised quite a bit more money from the congregation and friends who are interested in the chapel to add to that request, and it is still going to be a stretch to be able to make this addition. So he would hope they would give us all the consideration that can on not only the approval but on the conditions they are asking to change.

Mary Aston Shackelford said she was also a member of the congregation of All Saints Chapel and Grace Church. She is supposed to say all the things my husband forgot. The thought he had done very well. When they went into this they thought they would just go in and get a permit and that would be the end of it. Then when they found out they had to get a special use permit they thought it would be easy. Well, it has been anything but easy. They have had to change the building because of graves. At one point they thought it was not worth it, they would give it up and just put in a bathroom. But, those of us who knew Tommy Crenshaw knew that would not be what he wanted. His cousin who looked him until his death saw the plan and approved of it. Unfortunately, she died a couple months ago. She would like to see it before she dies and would appreciate any consideration they could give them. She asked how many here are in support to raise their hands. (Most all the persons in the audience raised their hands.) She pointed out that practically the whole congregation was present.

Fred Shackelford, Corky's son, said he lived basically next door to the chapel. He wanted to briefly address the third eastern most stone pier. As long as he has been there that gate has never been used. He thinks originally when the stone pier was put in they thought maybe there would be a formal cemetery or something and that would be the entrance to it. However, that was never built. It really is an extraneous thing. As Mr. Dammann said, if you looked at it from an appearance or aesthetic point of view just having those two piers actually looks better than having the little third pier that is serving no real purpose. It is an afterthought. Any expense of moving it would be considerable. As Ms. Joseph proposed they would hope they would ease that and remove condition 10 or 11 that required the pier to be moved and rebuilt.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Keller requested to ask a question to the senior Shackelfords if they remember what the tree cover around the chapel was in their youth.

Mr. Morris invited Mr. Shackelford to come forward and address that so they could get his comments.

Corky Shackelford replied the property was part of my family's property until the land was donated for the chapel with the stipulation that if it was not used as a chapel for five years it comes back to my grandfather's estate. He does know that the family used that forest or woodland for both timbering and for firewood up until my recollection and beyond.

Mr. Keeler said the setting was tree covered as opposed to open.

Mr. Shackelford pointed out it has always been woodland and it has never been anything else.

Mr. Keller said the plantings that were associated with that were the evergreens that are around it and the boxwoods.

Mr. Shackelford pointed out the boxwoods were planted there, but the rest of those trees are just natural forest.

Mr. Keller asked even the conifers.

Mr. Shackelford explained that it has rejuvenated itself over the years.

Mr. Keller thanked Mr. Shackelford.

Mr. Morris asked if there were any other questions or discussion.

Ms. Firehock noted after hearing their arguments about the uncle and the left most eastern pier forming the gate edge she could support losing that. She thought the little gate was a very charming feature, but seeing this photo and understanding the context of why it was there she did not have a problem with removing that. She remains confused about the switching of the drain fields and suggested more discussion about that. The applicant would like to switch the drain fields, but that is not what staff recommended. She asked if staff could elaborate more on it.

Mr. Benish pointed out actually staff is recommending because that was really the goal.

Ms. Firehock said she remained confused.

Mr. Benish noted what is shown on the application plan is that the one closest to the road is the primary with the reserve being behind it. He thinks the condition really suggested that if the health department would approve a primary in the reserve site that would be preferred. So that was what that condition was trying to do. He thinks what the applicant is saying is they are working along those same lines and had suggested a condition. However, he thinks the conditions were the words that they can use either site.

Mr. Perez said that was what I got out of the proposed switch as well.

Mr. Benish pointed out the goal was just to try to move the septic further away from the road and that would preserve trees theoretically.

Mr. Morris asked Margaret Maliszewski, Design Planner, if she had anything to add from the ARB's point of view.

Ms. Maliszewski said she does not really have anything to add, but she was happy to answer any questions or try to clarify anything that you might need.

Mr. Morris invited questions. There being no question, he thanked Ms. Maliszewski. He asked if there was a motion.

Ms. Firehock pointed out there was the question that was brought up by the applicant's representative, Ms. Joseph, about replacing the trees. It does kind of read like forever maybe if a tree dies. She suggested they could tighten that language by just saying any trees that were destroyed during the actual construction rather than the way it is written now. She thinks that would help, but she sees Mr. Keller shaking his head.

Mr. Keller noted another landscape architect has a different take than Ms. Joseph because he has seen lots of trees that he does not love. But, he agreed with the argument because he thinks in lots of ways Ms. Joseph has sort of supported my argument, which is that lots of times smaller trees that volunteer are happier. That is why he asked specifically that question of Mr. Shackelford. It seems that has just been sort of an evolving set of trees over time on that space except for what he would still think were most likely a few plantations of trees and usually there was some significance that they would plant conifers around churches evergreens historically because of the year round life sort of thing. In terms of transparency he was involved in the Southwest Mountain nomination many years ago and he thinks that this is a really important piece. He thinks that everyone that they have heard from the parishioners to the staff and the folks who are working for them are really working towards perfecting something that is very special within that district. So he thinks that they all are in agreement here it is the nuances of this and how to deal with it. Basically, he is supporting Ms. Joseph's points. He thinks there needs to be a condition that if the stone post is removed that it needs to be well documented. He would put that in as a condition because that is what do in historic preservation. He personally feels that it is hard for us to edit history even though it is a compelling argument from the young Mr. Shackelford that piece is an additional one. However, it was important to people at that point in time, which is part of the history. He thinks the idea that leading to a cemetery that one day might be a rural cemetery that did not happen is most likely why it was done that way. But, as has been shown with the photos he thinks that with all the other things that are being done to keep this chapel alive into the future and that with what is being invested in it that they should be able to accept removal of the post.

Mr. Morris noted removal and not replacement. He would support that.

Ms. Firehock said she wrote some wording to condition 9, which says allow for loss of left most eastern pier forming gate edge if cost of retention proved prohibited. In other words, they would like it to stay if it is possible to actually pick it up. But, they are not going to come in there and force them to rebuild it if it turns out that indeed they actually need a stone mason to reconstruct it stone by stone because it fell apart and they moved it.

Mr. Clark asked what about the trees.

Ms. Firehock said she thought she was not confused about the trees, but now I am. She reread about what it said about the trees and it does says during construction so it probably is okay. She did not think it really reads as if it is in perpetuity.

Mr. Keller asked do we really need the 2" caliper.

Ms. Firehock said from her professional practice bare root saplings actually have a much better survival rate than 2" caliper trees. She also has noticed that a lot of nurseries keep their trees in pots too long; they become root bound and the trees often don't survive. Then there is the other

problem with improper installation. So she actually was fine with saplings and they don't need to be 2" caliper since they will survive better if they are not.

Mr. Morris asked the applicant if she would like to take advantage of five minutes in rebuttal.

Ms. Joseph replied that she would because she would like some clarification. She knows the final design has to be in general accord with what they are seeing here. But, what is written in the general accord has to do with more permanent structures when they are talking about the building, parking, etc. It does not speak to the septic. So what she is really looking for is some flexibility. She asked staff to pull up the slide that shows the overall plan. Below where the area where the stones are is where they are starting to look for the septic site. That is what they are talking about in that area. So they are avoiding the stones and want to keep it down in that area. So she wants to make sure that please if the Commission would consider making sure that this condition would allow us the flexibility of another septic site if we needed to do that.

Mr. Benish said he thinks in this condition that would be found in general accord. He thinks the concern was based on the ARB who would prefer that if all possible to avoid the site that is the closest to the road. The way they have it shown they have got them shown the opposite way.

Ms. Joseph pointed out she was expressing that they are going to have three.

Mr. Kamptner said Ms. Joseph is speaking to a new third location.

Ms. Joseph said they are speaking to a whole new location. So she wants to make sure that the way this is written in general accord that it is not going to cause anybody to have palpitations if they come back and have the drain field shown in a different location.

Mr. Kamptner noted the location of the drain field is not going to be controlled by the conceptual plan condition 1 because it is not one of the elements that are listed as the elements that the Director of Planning and the Zoning Administrator would look to.

Ms. Joseph said what they would be looking for with general accord is the building itself and the size of the building footprint.

Mr. Kamptner agreed it was not the location of the drain field. So condition 6 probably should be liberalized a little bit because it speaks to primary and secondary drain fields and by default somebody is going to look to the conceptual plan. Because there is a third possible location that condition needs to be liberalized to give you the flexibility to site it. So staff can work on that before it goes to the board.

Ms. Joseph agreed if it was before it goes to the board. She noted a sapling would be great, but she also still prefers eliminating that condition. She suggested the condition be worded if the drain field is located somewhere far removed from behind the building or whatever that the trees would not need to be replaced at that point. That is what I am hoping for.

Mr. Keller asked Ms. Joseph if she was okay with documentation to Department of Historic Resources (DHR) standards, and Ms. Joseph replied that would be fine.

Ms. Firehock said she was back to the trees. She was sympathetic, but a sapling does not cost very much. They can dig it up from another property and bring it there if they like if you properly dig your hole. If they want guidance, she would talk to them later. She would suggest in condition 7: replace the word "2 inch caliper trees". They would be talking about more of an

expense of \$150. So moving to saplings they are getting to the neighborhood of \$30. She would rather see 2" caliper trees replaced with "trees shall be replaced with appropriate native saplings" and just leave it at that.

Mr. Kamptner noted one other question regarding that condition that he thinks they missed when preparing for the meeting is there an issue about the size of the trees that do die and does it matter if it is a tree with a 6" caliper versus a sapling if it dies just as part of the installation.

Ms. Firehock said if they were dealing with a site that had an extensive storm water runoff problem and that was a major function of these trees; then she would want to see a larger tree go in. But, considering that most of the runoff is draining into a forested area she was not really concerned with that. As she said saplings have a much higher survival rate. It will take them a while to get back to that level of function, but no she was not actually concerned at this point with a large tree comes out and a sapling goes in.

Mr. Loach asked if she was not talking one for one once removed.

Mr. Kamptner noted what he was thinking is if there is a non-native 1" sapling that dies as a result are we asking the church to replace that non-native sapling or whatever with a new sapling.

Mr. Keller suggested scratching the part about trees dying after the fact. He suggested that they just do it one time.

Mr. Benish agreed since he thinks that would be easier to enforce.

Mr. Loach suggested that they present a landscape plan for approval from the applicant.

Mr. Morris said it would seem that this would not apply to saplings that are destroyed.

Mr. Kamptner noted in the past they have had conditions where they were only interested in replacing existing trees that achieved a certain size such as 6" caliper.

Ms. Firehock said it was for significant trees.

Mr. Morris said it was mature trees.

Ms. Firehock said if they want to go to 6" she could live with that because saplings will probably come in on their own over time on the site anyway.

Mr. Keller said what they have heard is that this was a wood lot; this has been cut over; and the trees that were regenerated have been primarily native trees. But, they all know there might have been some that weren't. The spirit is what has been offered. He had a question for Ms. Maliszewski, which is what the appropriate language is for recording if it is a Department of Historic Resources (DHR) standards and then it is submitted to the DHR. So it is just an amendment and it just goes into the file for this.

Ms. Maliszewski said she actually does not think DHR has written standards. But, she would image that photographs and a simple drawing with details of what is there would be sufficient. If staff receives it, then she could pass it along to DHR.

**Motion:** Mr. Randolph moved to recommend approval of SP-2015-00007 All Saints Chapel with the conditions outlined in the staff report and in the discussion this evening.

Mr. Morris seconded the motion with modifications, and asked if that was sufficient.

Mr. Kamptner replied yes, and just to quickly summarize condition 6 will be revised before we go to the board to liberalize to make certain that they can locate their primary drainfield in a third location. Condition 7 will be amended to reflect that they are only asking that existing trees 6" caliper size or greater.

Ms. Firehock added shall be replaced with appropriate native saplings.

Mr. Kamptner agreed. Condition 10 is significantly revised to only require that if the eastern pier is removed that it will be documented and that documentation will be submitted to the County's Design Planner.

Ms. Firehock said she did not disagree with what he just said, but she had suggested that there was still some attempt to try to retain it. But, they would leave it to their judgement. She wrote allow loss of left most eastern pier forming gate edge if cost of retention proved prohibitive. She was willing to give them the benefit of the doubt for them to decide what prohibitive is. If they thinks that is not appropriate, they can leave it alone.

Mr. Kamptner said if it was left to their sole discretion that is fine.

Ms. Firehock said it was just indicating that some commissioners think that it is still significant and would like to see it retained if possible. But, they are not willing to put undue costs upon the applicant. They are really glad that they are doing something to keep a historic building active. However, she did not want to say that it was totally fine and don't try at all.

Mr. Keeler added and most of the primary landscape features.

Mr. Morris said they have a motion on the floor, and asked if there was a second.

Mr. Loach seconded the motion.

There being no further discussion, Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Morris noted that SP-2015-00007 All Saints Chapel would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)