

Albemarle County Planning Commission
August 23 2016

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 23, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Pam Riley, Jennie More, Daphne Spain, Tim Keller, Chair; Karen Firehock, Vice Chair and Bill Palmer, UVA representative. Members absent were Bruce Dotson. Ms. Firehock arrived at 6:08 p.m.

Other officials present were Rebecca Ragsdale, Senior Planner; Scott Clark, Senior Planner; John Anderson, Engineer; J.T. Newberry, Senior Planner, Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:02 p.m. and established a quorum.

SP-2016-00009 Faith Christian Center International and
SP-2016-00013 Faith Christian Center International – Daycare Amendment
(Sign 102)

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 078000000047A0

LOCATION: 2184 Richmond Rd

PROPOSAL: Amend existing special use permits to change planting standards in stream buffer

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. Day care facility, as permitted under Section 10.2.2.7 of the Zoning Ordinance. No dwellings proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) (Scott Clark)

Mr. Clark summarized the staff report in a PowerPoint presentation.

These are two special use permit amendment requests of previously approved special use permits with one for a church on the site and one for a daycare center. The church is located in the rural areas in the Shadwell area across from the Shadwell property just outside of the Pantops portion of the development area.

The first slide is an aerial of the property, which was before the development of the church that is being built on the site now. However, probably the important thing to note

for tonight's hearing is that you can see that Shadwell Creek borders the edge of the property at the upper end. It goes adjacent to the property, but just off the property line to the east.

Just to give a little history for what is being amended here there are two existing special use permit approvals on the property. Back in 2010 the Board approved a 399 church for the site and also a 50-child daycare. Since that time the daycare has already been amendment once to increase the attendance from 50 to 120. Those permits are already approved on the site. It is actually under development as we speak.

This is the original conception plan for the church and the daycare that was approved back in 2010. On the conceptual plan he pointed out Route 250 and the entrance road going back to the new church building and the parking areas. The area between the property line and the black line on the plan is the replanting area that is referred to in the conditions of approval. Part of that still has trees on it and part of it was disturbed before the church project ever began. There was a mobile home park on the site. So a part of that buffer was already disturbed before the church came along.

The next slide is a view of the buffer area to the right that is near the entrance at US 250 on the property, which shows the entrance road and the building under construction in the center. The stream is behind those trees on the right. If you get a little closer to the building that is under construction we can see the existing trees that are in the buffer area; however, that 100' buffer new planting area extends beyond those trees onto the slope that is part of the grading and construction for the site. A lot of that area has been graded on since then. However, a lot of that was disturbed when the mobile home park was there.

The proposal is to change the planting standards for the buffer; the area of the buffers remain the same. It is just changing the reference from the replanting requirements table that in the Department of Conservation & Recreation (DCR) document that we used as a reference at the time. So it is changing from Table A to Table B, which he would show them what that means. Restoration Table A from the DCR report requires a planting for every 400 square feet of a certain number of canopy trees, understory trees and small shrubs. This standard was developed for sites of a quarter of an acre or less. The replanting area in this case is over an acre. In fact, the more appropriate standard and what the applicants are requesting is what is in Table B, which gives a few different options. The applicants are looking at part B of Table B in which the first 50' of the buffer, except from the creek, about 50' would be the same as Table A. But, the outward 50' could use varied seedlings, whips or tree tubes instead of having a little more precise pattern of larger plants. Both of these are recommended. Appropriate standards from DCR and Table B is actually more appropriate for the size of the area that has been designated as the replanting area in this case.

Just to give you a more detailed idea here, the applicant provided this illustration that shows the grade line that is the creek, which is not actually on the property. It is partly on the neighboring property and so we are measuring the buffer back from that creek

100'. You can see the hatching of the outer portion of the buffer area that would be allowed for the tree tubes and whips. The cluster portion, which if there are any areas disturbed there, would need to be planted with the Table A standard. He just wanted to point out that a lot of this as we saw in the pictures already has trees on it. So those areas would not need to be cut and replanted with the new standard; they are already taken care of.

In summary the proposed change meets the Department of Conservation and Recreation's standards for riparian buffer planting areas; and the proposed change will still result in an improved riparian buffer. It also is for the applicant's concerns because it is going to be less expensive for them. The applicants feel like they are going to be largely planting on the slopes on the outer edge of the buffer. We think they will have better luck maintaining and working for the survival of the plantings if they have the tree tubes than if they have the larger plants required in Table A.

Staff recommends approval of both special use permit amendments with conditions. Just in summary he wanted to lay out what has changed in the conditions. There were a couple of fixes that are happening as well as the proposal.

- In condition 4 for each permit, which is about lighting, the words "shall be required" are being deleted to fix a grammatical error.
- In condition 6 for each permit, the change in the planting standard is made as discussed; and also a clarification just to be absolutely clear that those portions of the buffer that still have trees don't need to be cleared or replanted in this new pattern that they can stay as they are.
- In condition 7 of the special use permit for the church, which set the time limit for construction work to begin on proposed uses, is being deleted. Work has already begun on the site and this condition is no longer needed. The matching condition on the day-care special use permit was already deleted as part of the approval of the amendment back in 2012.

There are two different sets of conditions and motions to go over. First with the church these are the existing conditions with the changes marked again with 3 words being removed from condition 4; a change in condition 6 which was actually something not included in the staff report to make the clarification that the area shall be planted where tree cover does not already exist and changing the reference from Table A to Table B; and last deleting condition 7 about the start date for construction.

There are a couple of motions for the church and if you like we can go ahead and take your questions.

Mr. Keller invited questions for staff.

Ms. Firehock said she was looking at the site plan that was submitted with the packet and she was sorry but it was very small. She asked about the corner of the parking lot because she could not tell if it was going into the stream buffer. It looks like it is, but then there is a funny line there.

Mr. Keller noted it was on the northeast corner.

Ms. Firehock asked if the speckled dots on the site plan were plantings.

Mr. Clark replied that the speckled dots are the limits of the 100' buffer.

Ms. Firehock pointed out there was a notation that says area buffer set aside for required parking lot landscaping, and then there is a line going into the speckled dots. She was trying to figure out what is all of that is telling me.

Mr. Clark replied that he was not sure and would go back and look at the original conceptual plan. He noted this is actually the final site plan for site, which has already been approved and the construction is going on. Unfortunately, he does not have a copy of that site plan; but, we can see on the original conceptual plan that the parking was shown as staying out of that buffer area. He said it was hard to tell because this illustration is not meant to be a new conceptual plan for the use and we don't actually refer to this illustration.

Ms. Firehock pointed out she was trying to determine the extent of buffer disturbance in thinking about the variance that they are asking for with the plantings. She said that was why she was curious.

Mr. Clark suggested that perhaps the applicants can tell us more if he did not answer her question.

Mr. Keller asked if there were further questions before we open for the applicant. There being none, Mr. Keller opened the public hearing and invited the applicant to come forward and present.

Doctor Wayne Frye, Senior Pastor of Faith Christian Center International, said he was here just to answer any questions you may have based upon our proposed amendment.

Ms. Firehock asked if he could explain the drawing of the corner of the parking lot and what is happening in that corner.

Doctor Frye replied yes, that little jagged area was added due to the required number of parking spaces. They had extensive discussions with county engineering and as is in the notes John Anderson allowed us to use that small space just to formulize a parking space there to meet the required number of parking spaces.

Ms. Firehock said she was sad to hear that the county was more concerned with getting one or two more car spaces rather than the encroaching in the buffer. She was just expressing her sadness. It is nothing you can do; if they required you do that they did.

Doctor Frye replied yes, ma'am.

Mr. Keller asked is the construction of this parking lot under way, and Doctor Frye replied yes, sir it is.

Ms. Spain said this is just a comment. She thinks this is the second church application that we have had for increased coverage for daycare. She thinks that is a very good thing and we should thank you for enhancing the daycare coverage in the county because it is something that is needed.

Mr. Keller asked if there were any other questions for the applicant. There being no further questions for the applicant he thanked Doctor Frye and invited other members of the public who wished to speak on this project. There being none, Mr. Keller closed the public hearing to bring the before the Commission for discussion and action.

Ms. Firehock said that she can concur with our staff's understanding and recommendation that the smaller whip sized trees actually have a much higher survival rate than do 1" to 2" to 3" caliper trees. The only question she has for staff along those lines is the State Code certifies a certain survival percentage and who checks that. We don't really have the staff to go out and say that the 50% of the saplings that were required to survive did indeed survive.

Mr. Clark replied that she was right that we don't have the staffing to do that. He thinks we are referring to the pattern in the condition and not so much to a survival rate. This was originally developed by the Chesapeake Bay Local Assistance Department meaning that they have different requirements in the bay area and we are in the Tidewater Coastal Plain for specific requirements for survival. We were just using this as a reference for the planting pattern.

Ms. Firehock said it would be somewhere along the line of a 50% survival rate.

Mr. Clark said we hoped for an outcome and were not trying to mandate a particular area.

Ms. Spain said she was the pervious pavement questioner tonight. She asked what the surface of this parking lot is.

Mr. Clark replied that as far as he knew it was all asphalt; however, he only looked at the buffer and did not actually go up and check the parking surface on the most recent visit. But, unless John Anderson who is here tonight knows different from the site plan review which he was not involved in. He did not remember hearing that there were special paving types being installed.

Ms. Spain asked if that would help with the slight overlap with the buffer.

Ms. Firehock noted that it was probably too late because it is already under construction. In terms of permeable pavement or permeable pavers usually those are

not recommended for use in the floodplain. She was not looking at a floodplain diagram right now; but considering where the site is located it probably does include significant portions.

Mr. Lafferty noted that it did not.

Ms. Firehock said in any case even a 200-year flood we try not to put permeable pavement too close to riparian systems because when the water does get up high enough it deposits sediments and clogs the pores of those pavers. Grass creep is something that we will probably discuss tonight and that can handle some siltation from a flood event. So that is the kind of thing that would work in this environment.

Mr. Lafferty noted that is not even the proposal before us; the proposal is to change the buffer, and Ms. Firehock agreed.

Mr. Keller invited further discussion. There being none he asked for a motion.

Ms. Firehock moved to recommend approval of SP-2016-00009 Faith Christian Center International with the conditions outlined in the staff report.

Ms. Spain seconded the motion.

The motion passed unanimously by a vote of 6:0:1 (Dotson absent).

Mr. Keller noted that there was a second piece to this.

Regarding SP-2016-00013 Faith Christian Center International – Daycare Amendment Mr. Clark pointed out the condition changes on this one for the correction to the land condition and the two changes for the buffer condition are the same from the other special use permit. The deadline condition for start of work on this site has already been removed in an earlier amendment so it is just the changes to conditions 4 and 6 in this case.

Ms. Firehock moved to recommend approval of SP-2016-00013 Faith Christian Center International – Daycare Amendment with the conditions outlined in the staff report.

Ms. Riley seconded the motion.

The motion passed unanimously by a vote of 6:0:1 (Dotson absent).

Mr. Keller said the special use permits would move forward to the Board of Supervisors for their final decision. He thanked the applicant for providing more daycare in the community.

The meeting moved to the next item.