April 9, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 9, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; William Finley; Tracey Hopper; Rodney Thomas; Pete Craddock; and Bill Edgerton. Absent from the meeting was Jared Loewenstein.

Other officials present were Greg Kamptner, Assistant County Attorney; Wayne Cilimberg, Director of Planning & Community Development; Joan McDowell, Senior Planner; and Yadira Amarante, Planner.

Consent Agenda:

Approval of Planning Commission Minutes – February 19, 2002 and February 26, 2002.

Mr. Thomas moved for approval of the consent agenda as presented.

Mr. Edgerton seconded the motion, which carried (4:0). (Hopper, Finley, Loewenstein absent)

Ms. Hopper arrived at 6:05 p.m.

Mr. Finley arrived at 6:06 p.m.

Public Hearing Item:,

SP-01-17 Merrie Meadows (Sign #43) - Request for special use permit to allow a church in Accordance with Section 10.2.2.35 of the Zoning Ordinance that allows for churches in the Rural Areas. The existing church is non-conforming and the expansion of the building requires approval of a special use permit to bring the church into conformance with the current Zoning Ordinance. This special use permit also includes uses determined to be accessory to the primary church use, including overnight camping. The applicant has also requested that SP 81-18, a special use permit for a private school, be vacated by the Board of Supervisors. The property, described as Tax Map 48 Parcel 15A contains 32.428 acres, and is located in the Rivanna Magisterial District at 2746 Merrie Meadows Lane, on the west side of Route 20 North, south of Route 640 in the Stony Point community. The property is zoned Rural Areas District. The Comprehensive Plan designates this property as RA Rural Area, and it is within the Southwest Mountains Historic District. (Joan McDowell)

Ms. McDowell presented the staff report as follows:

The Board of Supervisors referred SP 01-17 back to the Planning Commission, in order for the Commission to consider the accessory uses, including overnight camping, as part of the special use permit for a church.

BACKGROUND:

On October 10, 2001, the Board of Supervisors referred the request for a church use back to the Planning Commission, in order for the Commission to consider new information regarding accessory uses to the church application and to review new conditions of approval associated with the camping operation.

As previously discussed in the staff report dated July 17, 2001 (Attachment E), SP-1985-035 for a special use permit allowing four cabins for weekend lodging two times a year was approved with a condition that restricted the camp use to the owner rather than the land (Attachment F). When the owner transferred the property into a family trust, the special use permit became invalid.

At the time the Planning Commission recommended approval of the special use permit for the church (SP 01-17), it was believed that the camping operation would require a separate special use permit (Attachment D – July 17, 2001, hearing minutes).

DISCUSSION:

The Religious Land Use and Institutionalized Persons Act of 2000 restricts governments from imposing or implementing land use regulations "in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution" unless there is a compelling governmental interest and the regulation is the least restrictive means for furthering that interest.

Based on the applicant's statements at the Board meeting on September 9, 2001, public hearing and written materials thereafter submitted, staff has determined that the camping activities associated with the congregation are accessory to the primary church use. Cumulative impacts resulting from both the church and potential accessory uses required further review by zoning, engineering, and the Health Department. These impacts include noise, lights, traffic, water, septic and waste management issues.

With the exceptions of the Health Department and Planning Department, no additional comments from the other reviewing departments were received. The Health Department evaluation included the kitchen and bathroom facilities, as well as the water and sewer capability.

The Health Department concluded that Merrie Meadows could operate under conditions specified in their letters dated January 24, 2002 and January 29, 2002. Both letters are attached, as reference (Attachments A and B).

On August 15, 2001, the Board of Supervisors deferred SP 01-17 until September 5, 2001, in order for staff to provide additional information regarding issues discussed at their meeting. The additional information that led to revised conditions is included as Attachment C. These conditions have been incorporated into the conditions of approval, at the end of this Summary.

As a result of the additional review, conditions of approval have been added which address the camp and potential future accessory uses for church. All changes from the original conditions recommended by the Commission on July 17, 2001, have been underlined, for clarification. It should be noted that the information contained in these conditions concerning the maximum number of people attending the events and the number of events to be held was provided by the applicant in his application (Attachment E).

RECOMMENDED ACTION:

Staff recommends approval of SP 01-17, subject to the following conditions:

1. The improvements shall be constructed on the parcel in substantial conformance with the plan included in this report as Attachment E, titled Merrie Meadows Site Plan and dated 6-13-01 (revised).

2. A commercial entrance, subject to Virginia Department of Transportation standards, shall be constructed prior to the first camping event or regional event under this permit. Adequate sight distance will be required by either a dedication of a 25' right-of-way along the property line abutting Route 20 or the provision of a sight easement for the entrance, subject to the approval of the Virginia Department of Transportation.

3. All required Health Department approvals shall be obtained prior to the issuance of a building permit.

4. All structures and parking areas not in existence as of the date of the approval of this special use permit shall maintain Commercial Zone setback standards (50 feet for rear and sides), as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance.

~~5. All outdoor lighting shall be shielded to reflect light away from the adjoining properties and Route 20.~~ (This requirement is in the Ordinance.)

5. All outdoor activities and activities within any buildings on the subject site that produce noise that can be heard from adjoining properties shall cease after 10 P.M.

6. SP 81-18 and all uses authorized thereby are terminated.

7. Prior to issuance of Certificate of Occupancy, evergreen trees, such as Virginia Cedar, shall be installed between the access road and the adjacent parcel (TM 48 Parcel 74). The landscape materials type, size and location of installation shall provide a natural barrier to prevent direct glare onto the aforementioned adjacent residential property from headlights of vehicles traveling along the access road and shall be subject to approval of the Planning Director or designee. The landscape screening shall be maintained in such a manner that the screening shall be preserved.

8. The regional meetings shall be limited to the following:

    - The number of regional assemblies permitted on the site shall be a maximum of seven days per calendar year. The regional assemblies shall not include overnight stays by the attendees.

9. No more than 350 people shall be permitted on the site at any time.

10. The camping operation shall be limited to the following:

- The maximum number of camping (overnight) assemblies shall be five per calendar year;

- The maximum length of time of the camping assemblies shall be limited to three consecutive days and nights.

- No more than five cabins (existing), six primitive campsites, and four Recreational Vehicle sites shall be permitted. Primitive can be defined as a building or site without kitchen or bathroom facilities attached.

11. All expansions of the church operation and its accessory uses shall require an amendment to this special use permit.

Ms. McDowell noted that the conditions of approval have been revised to include the camping operation. The new conditions have been underlined for your clarification. The main concerns were the impact of the traffic and noise. The conditions address restrictions on the noise. Staff understood from the applicant that most of the people do not stay there. They actually stay in other houses rather than at Merrie Meadows when they have overnight campouts.

Mr. Thomas asked if staff knew of any activities that would create any noise after 10 p.m.

Ms. McDowell stated that this was a result from some of the neighbor's comments. Apparently at the last meeting some of the neighbors complained about some late in the night kind of noises. The 10 p.m. time came from the old condition.

Mr. Craddock asked if other activities have the same cutoff. He pointed out that firehouses have an 11 p.m. cutoff.

Ms. McDowell stated that she did not know about firehouses, but she tried to be site specific on this and address the neighbors concerns.

Mr. Edgerton stated that the application refers to four cabins and the site plan shows five. He pointed out that he was confused about the number of cabins.

Ms. McDowell stated that the applicant's son-in-law is here to speak for the application.

Ms. McDowell noted that she has a couple minor changes to the conditions.

Mr. Rieley acknowledged that they would do that before taking action. He opened the public hearing.

SPEAKER FOR REQUEST:
David Rutt, son-in-law and project manager for Mr. Cotton, stated that Mr. Cotton has put this property in a family trust. The main issue that they heard was the noise at the barn, which was not part of the Merrie Meadows building, but was located at the other side of the property which was closer to neighbors. They have stopped all activity at 10 p.m. and put up posted signs. There have not been any problems since. Since 1968 he has been attending meetings there and never had any problems that he knew about. He noted that they have always complied with anything that comes up.

Mr. Edgerton asked how many cabins they had.

Mr. Rutt stated that there are five cabins.

Mr. Rieley invited public comment. There being none, he closed the public hearing and placed the matter before the Commission. He asked staff to point out the adjustments to the conditions.

Ms. McDowell noted the following changes to the conditions:
1) Change condition one to Attachment E instead of B.
2) Change condition eight to assemblies being plural.
3) Change condition ten, second part to say, "the maximum . . .of the camping assemblies".
4) Change condition ten, third bullet, five cabinets (existing).

Motion:
Mr. Thomas moved for approval of SP-01-17, Merrie Meadows, with the conditions as modified.

Second:
Ms. Hopper seconded the motion.

The motion was approved (6:0) with the following conditions as modified by staff:

1. The improvements shall be constructed on the parcel in substantial conformance with the plan included in this report as Attachment E, titled Merrie Meadows Site Plan and dated 6-13-01.

2. A commercial entrance, subject to Virginia Department of Transportation standards, shall be constructed prior to the first camping event or regional event under this permit. Adequate sight distance will be required by either a dedication of a 25' right-of-way along the property line abutting Route 20 or the provision of a sight easement for the entrance, subject to the approval of the Virginia Department of Transportation.

3. All required Health Department approvals shall be obtained prior to the issuance of a building permit.

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    - No more than five cabins (existing), six primitive campsites, and four Recreational Vehicle sites shall be permitted. Primitive can be defined as a building or site without kitchen or bathroom facilities attached.

11. All expansions of the church operation and its accessory uses shall require an amendment to this special use permit.

Regular Item:

SDP 02-015 Adelphia/Owens Major Site Plan Amendment: Applicant seeks approval to allow the construction of a 4,630 square foot office building which requires a waiver of Section 4.12.6.2 of the Zoning Ordinance which prohibits one way circulation patterns The entire site consists of approximately 1.33 acres and is zoned C-1 (Commercial). The Property is described as Tax Map 61W, Section 1, Block A, Parcels 10 and 10A. It is located on the southeast quadrant of the Westfield Road/Commonwealth Drive intersection, approximately 760 feet north of Greenbrier Drive. This site is located in the Rio Magisterial District and is recommended for Community Service uses in the Comprehensive Plan for Neighborhood 1. (Yadira Amarante)

Ms. Amarante presented the staff report as attached. She noted that at this time the City of Charlottesville owns and operates two natural gas transmission lines through the site. The two lines are located in a 40-foot easement through the property. At this time, the City does not know the depth of those lines and they were concerned with the grading taking place with part of this proposal. This concern is addressed in the recommended conditions of approval. Specifically, conditions one through three will

require that the depth of these lines be determined before the site plan is approved. The applicant has already started working on getting the test holes done.

Mr. Thomas asked if number six has been resolved. He noted that number six states, "The zoning department is concerned about how employees will manage parking of the personal vehicles when work vans will be occupying spaces calculated on the basis of employee parking only."

Ms. Amarante referred the question to the applicant who has discussed this with the zoning department. She noted that the number of parking spaces on the Adelphia site is adequate for the square footage of that building. The zoning department was concerned with workers from across the street parking in the old DMV site as well as the maintenance trucks being parked there. She thought that they have or are close to resolving that issue. As far as she knew, nobody actually works in the old DMV building since it was used for storage. In the morning, trucks come in to pick up equipment and drive off. She was not sure if the trucks were parked there overnight.

Mr. Rieley asked Mr. Kamptner if the only matter in which they have discretionary authority in this is the waiver of the one-way circulation.

Mr. Kamptner stated that was correct because the approval of the site plan is an administrative function in that it satisfies the requirements of the Zoning Ordinance.

Mr. Rieley opened the public hearing and asked if the applicant would like to address the Commission.

SPEAKER FOR REQUEST:
Bill Atwood, Architect retained by Sandra Owens, stated that his involvement had dealt almost totally with her tract of land. Others present were Tim Miller, Engineer, and Mark Chester, from his office. His client purchased a parcel of land with a building design, rejected the design and hired them to redesign the building and to reestablish a certain site use. They met with Adelphia and explained the parking requirements and that they needed to draft two letters. The first letter will state that they will allow the County to review the site plan, which was a request by staff. The second letter will address the specific replacement of trucks versus personal vehicles on a daily basis. There are a couple of minor adjustments they need to make to meet the needs for service around the building.

Mr. Thomas asked if they have adequate parking spaces between the two pieces of property to hold all of the vehicles.

Mr. Atwood stated that it was his understanding, certainly from their side, that they are covered. In meeting with staff and talking to the management of Adelphia, they feel comfortable that they can meet their needs too

SPEAKER AGAINST REQUEST:

Maria Mlynar, resident of 2343 Commonwealth Drive, stated that she lived directly across from the proposed building site. She noted a couple points. In reference to page two, number six; there are trucks that are parked there overnight and all the time. The second thing involves the underground gaslines which she thought runs underneath of her house. For the safety of the residents in the neighborhood, she urged the Commission to be very cautious. She voiced concern over what the neighborhood is going to look like once this building is here. She noted that she would prefer not to have another building like DMV since there was residential on the other side of the street. She suggested that the new building blend in with the other buildings on the street that look like houses. The last point was the traffic issue that she noted might not be within their scope of review.

Mr. Rieley stated that is not within their scope of their authority for this type of application. He noted that their discretionary authority is related solely to the issue of the one-way parking which requires a waiver and nothing else does. .

Ms. Amarante pointed out that the applicant has brought building designs and they could go out afterwards and look at them.

Mr. Rieley asked for further discussion. There being no further comment, Mr. Rieley closed the public hearing and placed the matter before the Commission.

Motion:
Ms. Hopper moved for approval of SDP-02-015 for the waiver of one-way circulation with the recommended conditions.

Second:
Mr. Thomas seconded the motion, which carried (6:0), with the conditions recommended by staff as follows:

The Planning Department shall not accept submittal of the final site plan for signature until tentative final approvals for the following conditions have been obtained. The final site plan shall not be signed until the following conditions have been met:

1. No grading permit shall be granted until the depth of the high pressure gas lines is determined. The number and location of the test holes shall be determined by the Engineering Department.

2. Once the depth of the gas lines is determined fill shall be kept to a minimum of 36" above the top of the lines and any grading shown on the site plan shall reflect this minimum.

3. A note on the plan that no lights, poles or signs shall be located within the 40' gas line easement.

4. A new erosion control plan, application and fee must be approved.

5. Verify that adequate fireflow is available. Required fireflow is 2,400 gpm @ 20 psi. If fireflow cannot be achieved, the proposed building shall be equipped with water sprinklers.

6. [4.12.6.6] The zoning department is concerned about how employees will manage parking of personal vehicles when work vans will be occupying spaces calculated on the basis of employee parking only. Please note on the plan how many work vans will be parked on Parcel 10 on a regular basis.

7. Submit a signature letter from the owner(s) of Parcel 10 giving permission for the County to review and evaluate the site improvements on the Adelphia site.

8. [32.6.6(j)] Provide a description and photograph or diagram and show the location of each type of outdoor luminaire that emits 3,000 or more initial lumens. Please be aware that installation of such luminaries in the future that are not shown on this plan shall require an amendment to this plan.

9. [32.7.2.5] Submit a plat showing cross easements for interparcel circulation.

10. [32.7.9] Staff approval of the landscape plan.

Old Business.

There being none, the meeting proceeded.

New Business.

There being none, the meeting proceeded.

Adjournment.

With no further business, the meeting adjourned at 6:30 p.m. to the next meeting on April 23.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Recording Secretary.)