Albemarle County Planning Commission
September 3, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, September 3, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; William Finley; Pete Craddock; William Rieley, Vice-Chairman; Jared Loewenstein, Chairman; Tracey Hopper and Bill Edgerton.

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited public comment on other matters not listed on the agenda. There being none, the meeting proceeded.

Items Requesting Deferral:

SP-2002-032 Dan's Automart USA (Sign # 43) – Request for approval of a special use permit in accordance with Section 30.6.3.2b of the Zoning Ordinance, which allows for outdoor storage and display in the Entrance Corridor Overlay Districts. The properties, described as Tax Map 45B(1), Section 5, Block A, Parcel 9 and Block C, Parcel 4, contains 2.095 acre zoned HC, Highway Commercial and EC, Entrance Corridor. This site is located in the Rio Magisterial District on the eastern side of Route 29 North, approximately 1/3 mile from the intersection with State Route 854 (Carrsbrook Drive). The Comprehensive Plan designates this property as Community Service in Development Area Neighborhood 1. (Stephen Waller)

AND

SDP-2002-075 Dan's Automart Preliminary Site Plan - Request for approval of a preliminary site plan to allow the expansion of the outdoor display area of an existing automobile dealership onto an adjacent parcel. The property, described as Tax Map 45B(1), Section 5, Block A, Parcel 2A contains 0.95 acre zoned HC, Highway Commercial and EC, Entrance Corridor. (Stephen Waller) ***APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Loewenstein stated that the public hearing would not be opened tonight since the applicant requests indefinite deferral.

Mr. Thomas moved to allow indefinite deferral of SDP-2002-075, Dan's Automart Preliminary Site Plan and SP-2002-032, Dan's Automart USA as per the applicant's request.

Mr. Edgerton seconded the motion, which carried unanimously (7:0).

Public Hearing Item:

Due to being an adjacent property owner, Mr. Loewenstein excused himself from the discussion on SP-2002-036, Evergreen Church.

SP-2002-036 Evergreen Church (Sign #15) - 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 Area. The property, described as Tax Map 46 Parcel 38C, contains 10.653 acres, is located in the Rivanna Magisterial District on Route 649 (Proffit Road) north of Route 819 (Judge Road) . The property is zoned RA, Rural Area and is within the Airport Impact Area Overlay District. The Comprehensive Plan designates this property as Rural Area. It is also within the Proffit Historical District, which is listed on the National Register of Historic Places. (Joan McDowell)

Ms. McDowell presented the staff report as follows:

Applicant's Proposal: The applicant, Evergreen Church, has requested a approval of a special use permit to construct a 7,984 square foot church building, with 103 parking spaces on a 10.653 acre parcel within the Rural Area. The church would serve approximately 300 congregates. The application indicates that they would hold meetings on Tuesday evenings between 6-8 PM, and Sunday services between 9AM and 2PM.

Due to the growing membership, the church recently has moved its services from a building approximately ¾ mile south of the subject parcel in Proffit where it operated for over a century, to the County Office Building.

Three waivers from Zoning Ordinance standards have also been requested:
Section 4.2 Critical Slopes;
Section 4.12.6.2 One-way Circulation;
Section 4.12.6.5.c. Angled Parking.

The property is located within the Proffit Historic District. The existing barn is the only remaining barn within the district and it is considered to be a contributing building to the District. The applicant intends to retain the barn.

Access to the parking area and new church building would be from a new driveway connecting to Proffit Road (State Route 649) at its intersection with the Payne Jackson Drive. The existing driveway further to the north would be removed.

Petitions: 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 Area. The following waivers from the Zoning Ordinance have been requested: Section 4.2 Critical Slopes; Section 4.12.6.2 One-way Circulation; Section 4.12.6.5.c. Angled Parking. The property, described as Tax Map 46 Parcel 38C, contains 10.653 acres, and is located in the Rivanna Magisterial District at 2481 Proffit Road (Route # 649) north of Route 819. The property is zoned RA Rural Areas and is within the Airport Impact Area Overlay District. The Comprehensive Plan designates this property as Rural Area. It is also within the Proffit Historical District, which is listed on the National Register of Historic Places.

Character of the Area:

The area contains a land use mixture of residential, agricultural, and forestal uses. The subject property is mostly cleared; however, a small barn, which has been identified as a contributing structure in the Proffit Historic District, is located on the property approximately 140 feet from Proffit Road. This historic building is discussed later in this report. A pond exists in the southeastern corner of the parcel and a powerline bisects the property along the southern half of parcel. Also, the southeastern side of the parcel is bounded by a railroad owned by the Southern Railway Company.

Planning and Zoning History:

1. In 1996 -- Planning staff administratively approved a subdivision to create a 5-acre lot from a 15.65-acre parcel. The 10.653-acre residue is the subject parcel associated with this request.

2. In 2000 – SP 99-77, a special use permit for a church was approved to permit conversion of an existing building into a church. The existing building was subsequently demolished. The application review and many of the conditions of approval addressed the existing building remodeling/conversion conditions. For these reasons, the special use permit was no longer valid.

3. In 2000 – SDP 00-16, a preliminary site development plan for the church was approved with conditions. Waivers for critical slopes, angled parking and one-way circulation were approved. The waiver approvals are also no longer valid.

4. In 2000 – SDP 00-88, a final site development plan for the church was withdrawn.

Comprehensive Plan:

The property is located within the Rural Area land use designation of the Comprehensive Plan. Churches provide supporting services within the Rural Area and support the citizens of the Rural Area community. The church use would not conflict with the provisions and policies contained within the Comprehensive Plan.

Historic Resources. The site is within the Proffit Historic District, which is listed on the National Register of Historic Places. The Proffit Historic District, the most thoroughly documented African-American community in Albemarle County, consists of 41 buildings or sites that are identified as significantly contributing to the District. A barn on the property has been determined to be the last remaining historic barn in the district. It has also been determined to be a contributing building in the historic district. An attached memorandum from the Design Planner provides further details of the historic significance of the District and of the barn. (Attachment D). As with the previous special use permit application (SP 99-77), a recommendation concerning the preservation of the barn has been incorporated into the conditions of approval (Condition 6).

RECOMMENDATION:

Staff has reviewed SP 02-36 for compliance with the provisions of Section 31.2.4.1 of the zoning ordinance and recommends approval subject to conditions, based on the application's consistency with the Comprehensive Plan.

WAIVER REQUESTS:

The applicant has requested approval of three waivers from Zoning Ordinance requirements.

Waiver from Section 4.2 Critical Slopes:
The applicant proposes to grade and construct on critical slopes. Section 4.2.3.2 of the Zoning Ordinance restricts earth-disturbing activity on critical slopes and Section 4.3.5.2 allows the Planning Commission modification of this restriction upon finding that strict application of the restriction would not forward the purposes of the Zoning Ordinance.

The Department of Engineering & Public Works has provided the following response and recommendation:

> *The request for a waiver to develop on areas of critical slopes received on 1 August 2002 has been reviewed. The critical slope areas are scattered throughout the parcel - mostly on the eastern half of the site.*
>
> *Critical slopes make up 0.92 acres of the site's 10.9 acres, or 8.4% of the site area. The plan shows about 9.1% (0.018 acres) of the critical slopes being disturbed for uses other than stormwater management. The disturbance is in the form of constructed slopes at the edge of parking areas. Below, each of the concerns of Zoning Ordinance section 18-4.2 is addressed:*

1. *Rapid and/or large scale movement of soil and rock:*
   - *Proper construction of slopes will prevent movement of soil and rock.*
2. *Excessive stormwater run-off:*

- *The stormsewer system shown on the site plan will prevent excessive runoff from, or on, critical slopes.*

3. *Siltation of natural and man-made bodies of water:*
   - *County inspection and bonding of erosion control measures will address siltation during construction in accordance with State and County erosion control regulations. Proper vegetative stabilization will prevent long term erosion and siltation.*
4. *Loss of aesthetic resource:*
   - *These are grassy slopes adjacent to an existing building.*
5. *A greater travel distance of septic effluent*
   - *The proposed drainfield is not on an area of critical slopes, and the areas above and below it are not proposed to be disturbed.*

Based on the review above, there are no engineering concerns that prohibit the approval of the critical slope waiver.

The Engineering Department has made the determination that the disturbance of critical slopes for the area of the stormwater management facilities does not need to be included in the waiver request. (The other portions of the site do require a waiver.) On the plan configuration provided, there is no reasonable alternative location or alignment to provide stormwater management other than the existing pond. [18-4.2.2]

A minimal amount of critical slopes would be impacted by this development. These slopes are not part of any significant system of critical slopes identified for protection in the Open Space Plan.

Recommendation:
Based on the finding that strict application of the restriction would not forward the purposes of the Zoning Ordinance, staff recommends approval of a waiver from the Albemarle Zoning Ordinance Section 4.2 Critical Slopes.

Waiver from Section 4.12.6.2 One-way Circulation and
Waiver from Section 4.12.6.5.c. Angled Parking:

The applicant has also requested a modification to allow for angled parking. Section 4.12.6.5.c of the Zoning Ordinance states, "Where practical considerations warrant, the Commission may authorize other angled, curvilinear, and/or parallel parking."

The applicant also has requested a modification for one-way internal circulation in the parking area between the building and the eastern property line. Section 4.12.6.2 of the Zoning Ordinance states, "One-way circulation aisles shall not be permitted, except that the Commission may approve one-way circulation in such case where the same is necessitated by the peculiar character of the site or the proposed use such as but not limited to uses involving drive-in windows and automobile laundries."

The review of these waivers has been combined, as they are interrelated by this proposal. As the proposed one-way circulation accesses 60 degree parking stalls, the Department of Engineering would require a 20-foot wide one-way aisle for safety and maneuvering purposes. The applicant has proposed a 12-foot wide one-way circulation aisle in this parking area.

It is expected that when a site plan application is submitted for the church, the applicant will present a reconfiguration of the subject parking area. At that time, request any waivers, as necessary, may be requested.

Recommendation:

The proposed one-way drive aisle and angled parking configuration does not meet minimum design standards and would present a health and safety hazard. Therefore, staff recommends disapproval of the requested waiver from Section 4.12.6.2 One-way Circulation and disapproval of a waiver from Section 4.12.6.5.c. Angled Parking

STAFF COMMENT:

Staff will address each provision of Section 31.2.4.1 of the Zoning Ordinance.

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors that such use will not be of substantial detriment to adjacent property.

Staff finds that the proposed use would have minimal negative impact on surrounding uses. The church would be located in an area away from the property line and it would require minimal grading of critical slopes. A condition of approval to address screening landscaping along the southern portion of the entrance drive is included (Condition 7).

that the character of the district will not be changed thereby,

Churches are an anticipated use in the Rural Area. Although this proposal may be viewed as a "rural" church, staff notes that an assembly area of 300 seats is comparable to that of many "urban" churches. Since this application seeks the expanded relocation of an existing rural church in Proffit, staff does not believe that the proposed church would alter the character of the district.

and that such use will be in harmony with the purpose and intent of this ordinance,

Staff has reviewed this request for compliance of Section 1.4 Purpose and Intent, Section 1.5 Relation to Environment, and Section 1.6 Relation to Comprehensive Plan of the Zoning Ordinance and finds no conflict. In addition, the application is in compliance with Section 30.2 Airport Overlay District.

with the uses permitted by right in the district,

The proposed church would not restrict permitted residential and agricultural uses on properties in the surrounding the Rural Areas district.

with additional regulations provided in Section 5.0 of this ordinance,

Section 5.0 of the Zoning Ordinance provides no additional regulations.

and with the public health, safety and general welfare.

The Engineering Department would require that the existing entrance is closed and the relocated driveway, as shown on the concept plan (Attachment B), would be used as the entrance to the church (Condition 8). The relocated driveway would satisfy concerns regarding sight distance and provide a commercial entrance aligned with another private road. A VDOT requirement for a 100-foot by 100-foot right turn lane/taper that was required with SP 99-77 also has been conditioned with this application (Condition 9).

At the time of site plan submittal, the parking area would be required to be redesigned to meet Engineering standards. As discussed earlier, the applicant may reapply for waivers, should they be necessary with the redesign of the parking area.

This site would also be served by a private well and septic system. The applicant provided verification with SP 99-77 that indicates the parcel would have more than enough capacity to accommodate a primary and a reserve drainfield (Attachment E). Prior to final site plan approval, the applicant would be required to obtain approval from the Health Department.

Although the building has changed in size and location, the overall development proposal and impacts would be very similar to the previous development proposal approved with SP 99-77.

Staff concludes that this application would not have adverse impact on the public health, safety, and general welfare.

SUMMARY:

Staff has identified the following factors favorable to these applications:
1. The proposed church would provide a service to the community.
2. The existing historic barn would be retained and maintained.
3. The existing entrance would be closed and a safer entrance would be installed.
4. A pond available for a stormwater detention facility already exists on site.
5. The church use has existed in harmony with the surrounding residential district for over 100 years.
6. The use is consistent with the Comprehensive Plan.
7. The use is consistent with Section 31.2.4.1 of the Zoning Ordinance.

Staff has not identified any factors unfavorable to this application that have not been addressed by conditions of approval.

Mr. Thomas asked if there would be a change in the number of parking spaces if the angled parking were changed.

Ms. McDowell stated that this would have to meet the Zoning Ordinance regulations. She stated that looking at the site plan, they could easily move down and make some adjustments to adequately have the required number of parking spaces without infringing in the critical slopes. She noted that staff was present from the Engineering Department to address these issues.

Mr. Finley asked if they were looking at angled parking and one-way circulation.

Ms. McDowell stated that staff combined the two because angled parking could not be accommodated with the current width of the aisles.

Mr. Finley asked if they have 90-degree angled parking, could they have one-way circulation.

Ms. McDowell stated that they could have both, but they just need to widen the aisles.

Mr. Rieley asked how much width do they need for the widening.

Ms. McDowell stated that they are showing 12 feet and they need 20 feet.

Mr. Rieley stated that presumes that the building location changes.

Ms. McDowell stated that it could be shifted.

Mr. Edgerton stated that they needed to move it 16 feet.

Ms. McDowell stated that if they shift the building backwards the applicant could get enough space in the aisle. She noted that the applicant also could shift some parking spaces to the front. She noted that the property is certainly large enough to do whatever they need to do.

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

Katurah Roell stated that he was confused about the angled parking and the travelway island. He stated that Planning staff and the Engineering Department have reviewed this site plan several times over the past three years. The owners decided to build the building from scratch after they found out that the barn structure that was there was not worth investing a lot of money into. They tore down the building, thus voiding the previous application. He noted that leads the applicant back before the Planning Commission. He stated that since the proposed building had to have a greater setback than the previous structure that has forced them to swap the parking lot and the building. He stated that the same footprint for the building and parking lot was being used that was previously approved. He stated that there were no standards in this County that represent-angled parking. He noted that there is a proposed new parking ordinance and zoning travel way information that staff has been reviewing. He noted that the current Zoning Ordinance does not reflect any of this. He asked why the site plan was approved two times previously, but not this time. He pointed out that he had not been given a real clear answer. He stated that because this added sixteen more feet, it put the building further out on that slope, and thus disturbed more area that required additional paved area. He stated that there was no set standard. He stated that he designs his site plans according to the County's ordinances that he could lay his hands on. He asked how that ordinance works and what does he need to live by. He noted that he was confused when that fact came up. He stated that he staked the building out to start construction and was told to stop because there was no building out there. He stated that they were required to start all over again. He stated that if the Commission did not approve this with the previous aisle width, then they could move the building and pave more area. He noted that they were trying to minimize the impact.

Mr. Rieley asked if he was aware of any standard anywhere that had 12 foot travel lanes with 60 degree parking as acceptable.

Mr. Roell stated that if they took those angled parking spaces and turned them to 45 degrees, that reduces the depth of the parking from 18 feet to 16 feet or a little less. Therefore, he could pick up 3 feet in his travelway. He noted that would allow him to keep the same bounds of the parking lot, make a 15-foot travelway and put the parking at the 45-degree angle. He noted that there are new formulas in the new ordinance that gives you the ratio, widths and travel aisle depth. He stated that it would be nice to know what standards and ordinances are in place so that they could turn a plan in that meets them.

Mr. Rieley asked if anyone else would like to speak on this matter. There being none, the matter was before the Commission.

Mr. Thomas asked for clarification on what the ordinance was when the project was approved twice and what it is now.

Steve Snell, Engineer with the County Engineering Department, stated that the ordinance itself is the same. He noted that the difference is that the Engineering Department has become more knowledgeable in terms of parking requirements and the policies were adopted from other regions. He stated that was where they got the chart that they use today.

Mr. Thomas asked if the applicant was aware of the chart.

Mr. Snell stated yes, that they have been communicating with the applicant on this use.

Mr. Thomas asked if he felt that what he had there would do.

Mr. Snell stated that from what they knew now for the most part that it made it too tight to pull out. He stated that vehicles are getting much larger than they were twenty years ago. He noted that what the applicant was proposing made it a very short distance to pull out. He stated that the new widths make it so people do not have to back up across sidewalks and they don't hit other people's car bumpers. He stated that there were a lot of reasons why the wider parking spaces made it easier.

Mr. Finley asked if he was widening his driveway to 16 feet.

Mr. Snell stated that as you make the parking more angled, you can actually shorten the width of the travelway. He pointed out that the 90-degree parking would require the widest width and the 30-degree parking would require the minimum width that he believed was 16 feet.

Mr. Finley asked what they were willing to accept.

Mr. Snell stated that the 60-degree angled parking shown on the applicant's plan requires 20 feet. He noted that if he changed the plan to 30-degree parking, then he could go with 45 feet.

Mr. Edgerton stated that the 24-foot for 90 degree-angled parking is a standard that is used and laid out very carefully in architectural graphics standards. He asked if he knew what the dimensions were for architectural graphics standards for angled parking.

Mr. Snell stated that he did not know specifically for architectural standards. He noted that he did not know what the adopted standards were.

Mr. Edgerton asked what the standards were based on.

Mr. Snell stated that the adopted standards were based on what the City uses and what they had seen used in other municipality's use.

Mr. Edgerton asked if they have always been 20 feet for 60 degree-angled parking.

Mr. Snell stated that he could not answer that.

Mr. Snell stated that on the previous plan the parking had a little different configuration. He noted that the applicants have added one row of parking which was closer to the property line and not on that plan. Also, the previous plan had a bank that was not paved. He noted that the plan was slightly different and slightly tighter even though that is not the reason that the review has changed. He stated that the review has changed because he had reviewed it and they have a clearer understanding of what the need is.

Mr. Thomas stated that the applicant has indicated that he has an option that might work.

Mr. Rieley stated that the compromise of 45-degree parking with a narrower lane would solve this. There is a little bit of a concern about not having a standard. He noted that they were rectifying that, but they were holding a rural church at a pretty high standard in an environment in which they were trying to minimize pavement. He urged that in the review of this, that Engineering look at this with that in mind. Also, he stated that this is a parking lot that is utilized only once or twice a week and he felt they should exercise some flexibility in the review of this. He stated that 24 feet with 18 foot stalls for perpendicular parking gives a 60-foot wide parking lot which is the largest that you will see in any standard. He suggested that they defer on the two waivers until that issue is resolved with simply urging Engineering to exercise some flexibility since this is a rural area church. He suggested that it come back under the consent agenda.

Mr. Edgerton concurred with Mr. Rieley.

Ms. Hopper asked to explore with the applicant to see if they want the Commission to make a recommendation and send it on to the Board of Supervisors instead of having two steps.

Mr. Cilimberg stated that waivers are not actually acted on by the Board. Those are Planning Commission actions. He noted that if the Commission does not approve a particular waiver, then the applicant can appeal it to the Board and ask the Board to take it up there.

Mr. Finley made a motion to approve SP-2002-036, Evergreen Church, subject to the conditions recommended by staff.

1. This special use permit is for a church use only. Day care and other accessory uses deemed to have major traffic impacts shall require an amendment to this special use permit.
2. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled Minor Amendment Plans for Evergreen Baptist Church dated 4/30/02 and revised 7/26/02.
3. Construction of the church shall be commenced within five years of the date of the Board of Supervisor's action or this special use permit shall expire.
4. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to residential uses, including Rural Area zoned property.
5. Total church building square footage shall be limited to 7,984 gross square feet and have an assembly area for no more than 300 seats.
6. The existing historic barn shall be documented in black and white photographs, with negatives to be maintained by the Planning and Community Development. The barn shall not be demolished. The barn shall be stabilized where necessary and maintained by the creation of a routine cyclical maintenance plan. However, if the barn is damaged by a natural event, such as a hurricane or tornado, to the extent that it is a safety hazard as determined by the Building Official, the church reserves the right to eliminate the safety hazard including, if necessary, demolition of the barn.
7. The applicant shall install screening shrubbery along the southern side of the travelway and parking areas, which shall be reviewed and approved by the Department of Planning and Community Development during the review of the final site plan.
8. The existing entrance shall be removed entirely and its use shall be discontinued. The subject area shall be reestablished in grass or landscaping.
9. Subject to Virginia Department of Transportation approval, the applicant shall install a commercial driveway and a 100-foot right turn lane with a 100-foot taper as shown on the Concept Plans for SP 02-36 entitled Minor Amendment Plans for Evergreen Baptist Church dated 4/30/02 and revised 7/26/02

Ms. Hopper seconded the motion, which carried (6:0) (Mr. Loewenstein abstained).

Ms. Hopper moved for approval of the critical slope waiver.

Mr. Thomas seconded the motion, which carried (6:0) (Mr. Loewenstein abstained).

Mr. Rieley stated that there were two waivers being requested for one-way circulation and angled parking. He stated that perhaps the easiest way to do this would be to defer action on this to allow the applicant time to work them out with staff and come back to us on the consent agenda. He asked if there was an issue on the time limitation.

Mr. Cilimberg noted that the requested waivers were under the special use permit review. He stated that since the site plan is not under review that the clock has not started on the time limitation.

Mr. Kamptner suggested that the action be taken together.

Mr. Edgerton moved for indefinite deferral on the one-way circulation and angled parking on the site plan for SP-2002-036, Evergreen Church.

Ms. Hopper seconded the motion, which carried (6:0) (Mr. Loewenstein abstained)

Mr. Loewenstein returned to the meeting at 6:35 p.m.

SP-01-046 Snows Rental Units (Sign #3) - The applicant proposes to establish contractor's outdoor storage on Tax Map 90, Parcel 35. This property consists of approximately 8.167 acres zoned LI, Light Industry and EC, Entrance Corridor Overlay District. Outdoor storage and display in the EC, Entrance Corridor Overlay District requires a special use permit in accord with the provisions of Section 30.6.3.2(b) of the Zoning Ordinance. The property is located on the east side of Route 742 (Avon Street) opposite Mill Creek South in the Scottsville Magisterial District. The Comprehensive Plan designates this area for Industrial Service in Neighborhood 4. (Yadira Amarante)

In Ms. Amarante's absence, Mr. Cilimberg presented the staff report as follows:

Mr. Loewenstein returned to the meeting at 6:35 p.m. He stated that the next item on the agenda was SP-01-046, Snows Rental Units.

SP-01-046 Snows Rental Units (Sign #3) - The applicant proposes to establish contractor's outdoor storage on Tax Map 90, Parcel 35. This property consists of approximately 8.167 acres zoned LI, Light Industry and EC, Entrance Corridor Overlay District. Outdoor storage and display in the EC, Entrance Corridor Overlay District requires a special use permit in accord with the provisions of Section 30.6.3.2(b) of the Zoning Ordinance. The property is located on the east side of Route 742 (Avon Street) opposite Mill Creek South in the Scottsville Magisterial District. The Comprehensive Plan designates this area for Industrial Service in Neighborhood 4. (Yadira Amarante)

In Ms. Amarante's absence, Mr. Cilimberg presented the staff report as follows:

SP 01-046 Snow's Rental Units

Applicant's Proposal: The applicant is proposing to utilize this property for outdoor storage and display on approximately 8 acres. It is anticipated that the site would be used by contractors who would store bulky materials such as pipe, wire, vehicles and other materials outside in accord with a concurrent site plan as shown in Attachment A.

Petition: The petition is for approval of a special use permit, in accordance with Section 30.6.3.2.b of the Zoning Ordinance, to allow outdoor storage, display, and/or sales serving or associated with permitted uses, any portion of which would be visible from an Entrance Corridor street in a Light Industrial zoning district. This petition is requested for parcels described as Tax Map 90, Parcel 35. The property is located in the Scottsville Magisterial District on the east side of Avon Street Extended 300 feet north of Stoney Creek Drive. The property is zoned LI (Light Industrial) and EC (Entrance Corridor). The Comprehensive Plan designates this property as Industrial Service in Neighborhood 4, (See Attachment B)

Character of the Area: The east side of Avon Street Extended is developed with a variety of industrial type uses. The Snow's nursery is located adjacent and to the north of the site under review. The parcel north of the nursery was approved, for the same use requested here, in 1999. Residential development, Mill Creek South, is located on the west side of Avon Street Extended opposite the site under review.

RECOMMENDATION: Staff has reviewed the proposal for conformity with the Comprehensive Plan and with Zoning Ordinance and recommends approval of the special use permit with conditions.

Planning and Zoning History: The parcel has no planning or zoning history. It is currently being used for stockpiles, mulch, fertilizer, etc. for the nursery operation.

Comprehensive Plan: Requests for special use permits in the Development Areas are typically assessed for conformity with the Land Use Plan and the Open Space Plan.

The Land Use Plan shows this area as Industrial Service in Neighborhood 4. The proposed use is consistent with an Industrial Service designation that includes uses such as warehousing, light industry, research, heavy industrial uses.

The Open Space Plan delineates a small buffer strip along the frontage of this property to protect the Entrance Corridor and surrounding residential areas from possible industrial-type adverse affects such as noise, dust, and glare. The existing buffer strip consists mainly of pine trees which will be removed and replaced by a landscaped buffer area consisting of large, medium and small shade and screening trees.

Engineering Analysis: The County's Engineering staff has reviewed this request for engineering issues related to health, safety, and welfare requirements. The Engineering Department is recommending approval of the special use permit since most of their concerns can be addressed during the site plan review process.

Zoning Considerations: Zoning has commented that the contractors' office and equipment storage yard are allowed by right in the LI district. This special use permit is **only** for the outdoor storage and display visible from Avon Street, an Entrance Corridor.

ARB Considerations: The ARB is the reviewing body for this type of special use permit and has expressed no objections to the use. They are recommending a number conditions of approval of intended to minimize the visual effect on the Entrance Corridor. Similarly they have approved the preliminary site plan with conditions for additional landscaping and screening, (Attachment C).

STAFF COMMENT:

Section 31.2.4.1 of the Zoning Ordinance below requires that special use permits be assessed as follows:

Will the use be of substantial detriment to adjacent property?

It is anticipated that the proposed use will have no negative impact on adjacent property due to the requirements of the ARB. A site plan will be required to be approved prior to the applicant making use of this special use permit. The site plan review procedure will help to insure that the adjacent properties are not substantially impacted. With approval of this special use permit, the site plan will be approved administratively.

Will the character of the zoning district change with this use?

The potential impact of the proposed use on the character of the district has been addressed by the ARB. The ARB has recommended approval subject to conditions, (see Attachment C). With the conditions recommended by the ARB the character of the district will not be changed.

Will the use will be in harmony with the purpose and intent of the zoning ordinance?

Staff has reviewed this request for compliance with the purpose and intent of the EC district. Based on the recommendation of the ARB, this use is in harmony with the purpose and intent of the EC District.

Will the use be in harmony with the uses permitted by right in the district?

Contractors office and equipment storage yard is a use permitted by right in the underlying LI district. The use will not restrict permitted uses on this or adjacent property.

Will the use comply with the additional regulations provided in Section 5.0 of this ordinance?

No regulations in Section 5.0 apply specifically to this use.

Will the public health, safety and general welfare of the community be protected if the use is approved?

Compliance with the recommendations of the ARB and approval of a site plan will protect the public health safety and general welfare.

SUMMARY:
This use is by special use permit due to the use of outdoor storage and display within the Entrance Corridor Overlay District. This use is permitted by right in the underlying LI district. The Architectural Review Board has reviewed this request for its impact on the Avon Street Entrance Corridor. The action, which is included as Attachment C, expressed no objection to the proposed use. It is staff's opinion that with the ARB's approval of a Certificate of Appropriateness, this use is consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

RECOMMENDED ACTION

Staff recommends approval of SP-01-046 with the following conditions:

1. The height of stored items shall be limited to 8' in the front row of storage areas (the row closest to Avon Street) and in the southernmost storage area in the back row.
2. Eight foot (8') high solid wood fencing of a design that meets ARB approval shall be used for the north and south perimeters of the front row of storage yards, the portions of fencing that connect storage yards in the front row, and the southern side of the southernmost storage yard in the back row.
3. Chain link fence shall not be visible from the EC.
4. Landscaping of a design that meets ARB approval shall be used to soften the appearance of the development and to integrate the site.

Mr. Loewenstein asked if there were any questions. There being none, he opened the public hearing and asked that the applicant come forward if he wished to make a statement.

Mr. Wayne Snow stated that he did not have anything in particular to discuss except to say that right now the property was basically an eyesore with the mulch piles, piles of gravel and stone that they use for storage. He noted that the adjacent owners had asked them to do something about it even though they are grandfathered. He noted that he told them that he would and they went ahead and put some White Pines in. He stated that when they came up with this idea they felt it should help a lot to improve the visual entrance and the use of the property. Right now when it says rental units, but it does not give any clues as to how they propose to use the property. He stated that they look for it to be up scale and not a lot of trashy waste. He stated that he had a small pharmaceutical company who currently has a small pharmaceutical company. He noted that he did not know how they operate, but that they do ship their product out to

different places around the country. He noted that he had an electrical contractor who was interested in a unit such as this.

Mr. Loewenstein asked if there was anyone else that wished to speak to this matter tonight. There being no further comments, the public hearing was closed and the matter placed before the Commission for action.

Mr. Rieley moved for approval of SP-01-046, Snows Rental Units, subject to the following conditions recommended by staff:

1. The height of stored items shall be limited to 8' in the front row of storage areas (the row closest to Avon Street) and in the southernmost storage area in the back row.
2. Eight foot (8') high solid wood fencing of a design that meets ARB approval shall be used for the north and south perimeters of the front row of storage yards, the portions of fencing that connect storage yards in the front row, and the southern side of the southernmost storage yard in the back row.
3. Chain link fence shall not be visible from the EC.
4. Landscaping of a design that meets ARB approval shall be used to soften the appearance of the development and to integrate the site.

Mr. Thomas seconded the motion, which carried unanimously (7:0).

Mr. Loewenstein stated that SP-02-46 was approved and will go to the Board of Supervisors on September 11th.

Regular Item:

SDP-02-022: Pavillion At Riverbend Preliminary Site Plan - The applicant is requesting approval of a preliminary site plan to construct a 2,770 sq. ft. building and parking for the purposes of operating a vehicle rental and maintenance facility (i.e. U-Haul) within the Route 250 Entrance Corridor. Two special use permits, (one for the allowance of motor vehicle sales and rental in the urban area as designated in the Comprehensive Plan, and the other for the allowance of outdoor storage and display within an Entrance Corridor), were recently approved by the Board of Supervisors. The property, described as Tax Map 78 Parcel 17A, contains 2.478 acres, and is located in the Rivanna Magisterial District on Newhouse Drive just off of Route 250 by the Rivanna River. The property is zoned C-1, Commercial and the Comprehensive Plan designates this property as Community Service in Neighborhood 3 of the Development Area. (Yadira Amarante)

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Mr. Cilimberg in Yadira Amarante absence presented the staff report. (See the attached copy of the staff report.) He noted that Condition 4 was modified somewhat by the Board to assure screening from Route 250, the river and the greenway. On July 2nd the Planning Commission

recommended denial of the special use permits and denied the preliminary site plan because the proposed use on the site plan was inconsistent with uses that required the special use permit. On August 14th the Board approved the two special use permits and requested that the Planning Commission reconsider the site plan request. The Site Review Committee has reviewed this request for compliance with the Zoning Ordinance and the recently approved special use permits and recommends conditional approval. The ARB has reviewed the site based on Entrance Corridor Development Guidelines and has granted a Certificate of Appropriateness. Staff has recommended approval of the site plan with the eleven conditions. He stated that he would be happy to answer any questions.

Mr. Loewenstein opened the public hearing and asked if the applicant has a statement.

Clark Gathright, representative with Daggett and Grigg- Architects/Planners, stated that the applicant was looking for approval on the site plan. He noted that as Mr. Cilimberg stated, they have worked with staff and received all approvals including with the Greenway Planner in the Parks Department to try to screen this property from the greenway and the river. He stated that they have received the Certificate of Appropriateness from the Architectural Review Board. He noted that as a result they feel that the project is well screened from the Entrance Corridor. He stated that the Board of Supervisors felt that the proposed use was appropriate for the area given the automobile uses along that area of Pantops. He noted that in addition the property faces the back side of the Pantops Shopping Center, loading docks and the convenience store, and the proximity to the Route 250 area does not make it conducive to outdoor river oriented activities. He pointed out that the owner had looked into several alternatives in the past. He stated that at this point he was not sure why this was still being reviewed at the Planning Commission level. He requested approval of the request.

Mr. Rieley stated that there is reference in a couple of places that screening will be done to mitigate the impact of this on the Rivanna Corridor. He stated that he did not see any reference to specific screening in the preliminary site plan.

Mr. Gathright stated that the bottom portion of his copy was cut off, but that the landscape plan should be attached. He pointed out that the applicant has worked it out with the County Park staff that they would readdress the issue in the winter to review the site and locate trees accordingly. He noted that now the full foliage completely screens the site. He stated the landscape plan shows ten Cedars and ten of another type of evergreen screening tree over on the riverside towards the vehicle storage area to be planted. This was recommended by Dan Mahon. In the winter, they would go out and determine where the twenty trees can be placed. Mr. Thomas asked if he was willing to put in more trees if it was necessary.

Mr. Gathright stated that he could not answer that question.

Mr. Cilimberg stated that normally the landscape plans are reviewed as part of the final site plan. He stated that the condition #1 of the SP-2002-011 calls for adequate screening to be provided. He noted that the agreement that the site would be reviewed at the time that the leaves are off the trees was probably a good one. He felt that was when you could determine the most adequate and beneficial screening.

Mr. Rieley stated that there are a couple of places you are showing class A-1 rip-rap adjacent to the parking lot at what appears to be the lip of the bio-filter area. He noted that a lot of people regard that kind of riprap adjacent to an area where people are walking as somewhat hazardous and unsightly. He asked if there are other alternatives that would function with the same results.

Mr. Gathright stated that there was a concrete swale down through there with one placed directly behind the dumpster and the screening for the dumpster was in front of that. He noted that there is going to be very little foot traffic in that area. The other one is over in the vehicle storage area which was beyond the parking spaces on the opposite side of the building. He stated that was

beyond the public access area. He noted that there was not need to anything sophisticated to that area since it would grow up in vegetation over time. He stated that certainly there were other alternatives.

Mr. Loewenstein invited further comment. There being none, the public hearing was closed and the matter placed before the Planning Commission for action.

Mr. Rieley stated that he was concerned about the screening issue. He stated that the backside of Pantops Shopping Center as you come across Free Bridge in the wintertime is clearly visible. There will be less vegetation in there after the plan is executed than is in there now. He stated that the issue was more than screening the cars that are in that parking area. He pointed out that it was on the front side of the river. He stated that was foremost in their minds when they denied this use on this property. He noted that the primary issue here was the visibility from freebridge, the City and the river. He noted that the proposed twenty trees to be planted for screening was not reassuring. He stated that the Commission needs to know more about this. He stated that there were two courses of action. He noted that they could simply ask that information be brought to a higher level of resolution before they act on it or call the final site plan back and look at it in greater detail. He noted that he would like to see a lot more information about what was inside that line that says existing tree line. He stated that the other issue was the riprap. He asked that something other than riprap be used in that location.

Mr. Loewenstein asked if Mr. Gathright wanted to address the Commission.

Mr. Gathright stated that regarding the 20 trees that they set aside for the specific purpose of determining their location in the winter. He pointed out that there was a landscape plan that had far more than 20 trees that are on that. He stated that they have worked extensively with the Architectural Review Board in locating the trees. He noted that their disturbed area is not taking down any significant trees and most of the existing screening will stay.

Mr. Rieley stated that the area that he was concerned with only having 20 trees was the sloped area right next to the river. He noted that was a substantial area and he did not think that 20 trees was enough.

Mr. Thomas asked if the special use permit conditions covered enough to screen the river.

Mr. Loewenstein stated that he preferred to have a landscape plan in front of him. He stated that apparently there is one out there and the Commission did not have it. He asked Mr. Cilimberg what change he had to the condition.

Mr. Cilimberg stated that he suggested additional language that was still open to interpretation as to what satisfies this condition. He noted that the wording was specifically that this vegetation screening in the area north and west of the bio-filter, west of the dumpster and west of the parking area helps screen the view from the road, river and greenway. He pointed out that the Board added that language to provide that screening which have to be adhered to whether or not the Commission puts it in the conditions of the site plan. He apologized that since the planner working with this was ill, he did not know the status of the approvals of the landscape plan. He noted that the Architectural Review Board has already approved the Certificate of Appropriateness. He stated that if the landscape plan exists that shows the screening of the river, then the Commission could review it next week. He noted that the Commission could also wait and review the final site plan. He suggested that if the Commission defers this, then they could have the benefit of having the plan in hand at the next meeting.

Mr. Loewenstein asked if Ms. Maliszewski had anything to add.

Ms. Maliszewski stated that she could pull out a landscape plan for you, but she could not guarantee that plan was the most recent one. She pointed out that the Architectural Review

Board did not review address those trees in that particular area that you are talking about because that is not part of the Entrance Corridor review.

Mr. Finley pointed out that the applicant had given them verbal information on the screening.

Mr. Rieley stated that they have not information on the most important issue before them.

Mr. Loewenstein stated that they he would feel more comfortable to get more information.

Mr. Loewenstein stated that they could review this next week, which was a very small time frame.

Mr. Edgerton stated that he was not comfortable with approving a landscape plan that they cannot see.

Mr. Rieley moved for deferral of SDP-02-022, Pavillion At Riverbend Preliminary Site Plan, to the next meeting on September 10th in which that they will have a landscape plan to react to.

Ms. Hopper seconded the motion, which carried (6:1) (Mr. Finley voted against the motion).

Mr. Loewenstein stated that SDP-02-022 was deferred to September 10th.

OLD BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning old business.

Mr. Cilimberg stated that staff provided a memo regarding RA review with the intention of going over that with the Commission next week. He stated that unfortunately in preparing for that, one of the key people who really need to be part of that had a death in the family. He stated that they would really like to bring that to the Commission on September 17th. On September 17th, staff will show you the revised schedule that will attempt to accommodate some of the things that we heard at the last meeting even though the Commission was split on how to approach this. He stated that they would try to satisfy multiple interests in how they were going to get this to the public to get good response and move through this review.

NEW BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning new business.

Mr. Cilimberg stated that there is a site plan that is going to expire called Café No Problem. The site plan was approved five years ago and expires this coming Sunday. There has been a request for an extension of that final site plan approval. He noted that the application was made this afternoon. Since the Planning Commission needs to take action to allow that extension, he suggested that they grant a temporary extension of not more than one month. That would allow the purchaser of this property to get with staff on justification and allows staff in turn, to come back to the Planning Commission with more information in which the Planning Commission might grant a longer extension. He suggested that the extension be no more than a month initially to work that out.

Mr. Rieley moved to grant a one-month extension for Café No Problem's site plan.

Mr. Thomas seconded the motion, which carried unanimously (7:0).

The temporary extension for one-month was granted for Café No Problem.

Mr. Loewenstein stated that he had just received some information on the University of Virginia's Blue Ridge Hospital that was done by Dan Bluestone's students at the University of Virginia. The students set up a web site that is very interesting. He noted that he has ordered copies of the publication for all of the Commissioners and several copies for staff. Since there is a lot of work planned at the Blue Ridge Hospital, he felt it was advantageous for the members of the Planning Commission to be knowledgeable of the history of the site. He pointed out that an amazing web site has been set up with some interesting information at www.faculty.va.edu/blueridgesanitorium. He noted that the team leader, Monical Shenouda, prepared the booklet that he ordered.

ADJOURNMENT:

With no further business, the meeting adjourned at 7:10 p.m.

V. Wayne Cilimberg, Secretary

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