Albemarle County Planning Commission
May 10, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 10, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Calvin Morris, Marcia Joseph, Vice-Chair, Jo Higgins, Pete Craddock and Bill Edgerton, Chairman. Absent was David J. Neuman, FAIA, Architect for University of Virginia. Mr. Morris arrived at 6:30 p.m.

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

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the review of the Board of Supervisors Meeting.

Review of Board of Supervisors Meeting – May 4, 2005 Review of Board of Supervisors Meeting – (including update on Places 29: Northern Development Areas Master Plan).

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on May 4, 2005, which included an update on Places 29 Northern Development Areas Master Plan. He pointed out the Board had no concern with the Planning Commission functioning in an advisory committee role on the Places 29 Northern Development Areas Master Plan. The consultants will be present on May 24 to provide an update on the project activities. On May 24 staff also wants to go over a couple of items related to their advisory committee role.

Public Hearing Items:

SP 2004-051 Free Union Church of the Brethren (Sign #36) - Request for a special use permit to allow an expansion of an existing church, Free Union Church of the Brethren, in accordance with Section 10.2.2(35) of the Zoning Ordinance which allows for churches. The property, described as Tax Map 29 Parcels 57, 58, and 59B, contains 2.5 acres and is zoned RA, Rural Areas. The proposal is located at 4152 Free Union Road (Route 601), approximately 1,000 feet south of its intersection with Willington Road (Route 665) in the Whitehall Magisterial District. The Comprehensive Plan designates this property as Rural Area 1. (Scott Clark)

Ms. Joseph disqualified herself from this hearing and requested that this fact be recorded in the appropriate public record for a period of five years. She noted that she has represented and provided services to the applicant that is the subject of this transaction. (See Attachment)

Mr. Clark summarized the staff report. The applicants plan to add a meeting hall of approximately 1,400 square feet onto the existing Free Union Church of the Brethren. The church is an existing nonconforming use that requires a special use permit in order to expand. Staff is also recommending approval of a waiver of the site plan requirements for this use. The expansion of the building would not lead to an expansion of the intensity of use. It is just a meeting hall for the existing number of members of the church. This gives them more space to meet more conveniently and to spread out a little from the small space that they have now. It is not expected to expand the level of use or to have impact on the neighboring properties.

The main concern with this use was the lack of an approvable or even very clear entrance. The concept plan under consideration has been redrawn to shown an entrance that is acceptable to VDOT. It will necessitate the clearing of some land on the opposite side of the road that a neighboring landowner has under a power line easement. So it is expected to be cleared anyway, but staff has a letter from that

landowner saying that they give permission for that clearing to maintain sight distance for this use. Between that easement and the redrawing of the entrance, VDOT is okay with this.

Therefore, staff recommends approval of SP-04-051 with the five conditions. Staff also recommends approval of the site plan waiver. There are only two issues of concern. One is the erosion and sediment control, which can be taken care under the erosion and sediment control plan. The other is that the entrance needs to meet VDOT's design requirements, which will be taken care of through a condition on the special use permit. Staff did not think it was necessary for a use of this small of a scale in this location to have a site plan. Therefore, staff is recommending the waiver with two conditions. One is for the drawing of the erosion and sediment control plan and the other one for VDOT's approval of the installation of the entrance.

Mr. Edgerton asked if there were any questions for Mr. Clark.

Ms. Higgins asked if staff expected 10,000 square feet to be disturbed. She noted that it did not look any where near that amount of disturbance, which was when the erosion and sediment control plan kicks in.

Mr. Clark stated that the parking area was already graveled, but there would be some areas added to that and some areas taken out.

Ms. Higgins asked how the parking would be modified.

Mr. Clark stated that he did not have a measure of the area, but there were some places where the boundary of the parking area was changing.

Ms. Higgins asked how the parking was calculated.

Mr. Clark stated that the number of parking spaces was based on the area of assembly and not on the area of the meeting hall.

Ms. Higgins asked if that would be 23 parking spaces and Mr. Clark agreed.

Ms. Higgins stated that since there were already 30 parking spaces that it appeared that they were not adding any additional spaces. She asked if they are just modifying it so that the entrance works more appropriately up in the front right corner.

Mr. Clark stated that the only change to the parking is that it would just be more clearly delineated. Therefore, the area used for occasional parking on the neighboring parcel won't be authorized as part of this. Therefore, all of the parking will have to take place on this parcel.

Ms. Higgins stated that it does not look like 10,000 square feet is being disturbed if there is some gravel removal along the edge between the building and then right at the entrance. She felt that it might be beneath it.

Mr. Rieley stated that he had the same question because he did not see where 10,000 square feet was being disturbed.

Ms. Higgins stated that making it a special condition implies that they have to do a plan almost irregardless of whether it will actually kick in. She felt that they just need to keep it in mind whether it is needed or not.

Mr. Edgerton stated that he felt that was in response to the waiver request from the site plan because the two issues could not be addressed with the limited information provided.

Ms. Higgins suggested that the condition could say unless there is a statement confirming that it is less than 10,000 square feet.

Mr. Rieley agreed to Ms. Higgins' suggestion unless there was some reason that is not apparent why in this particular case an erosion and sediment control permit is appropriate even though it is much less than 10,000 square feet. He pointed out that he had a related question around the VDOT permit. It seems that since the entrance is changing and since they are requiring the plan to follow this alignment, which is in a different location than the existing entrance, wouldn't they be required to get an entrance permit from VDOT anyway.

Ms. Higgins stated that was correct.

Mr. Rieley felt that it was a little redundant.

Ms. Higgins suggested the wording of condition 5 to say that the applicant shall secure a VDOT construction permit for the modified entrance. VDOT does not really approve entrances unless they have a mechanism on the site plan. When a site plan is not required, the applicant would still need to get a construction permit from VDOT. Then VDOT would hold it until such time that it is completed, constructed, inspected and released. Therefore, she agreed with Mr. Rieley.

Mr. Rieley stated that in the past he had argued against the requirement for a commercial entrance for churches, but in this case he did think it was appropriate because the existing entrance is inadequate. Therefore, it makes sense to require it. But, he did not think going over and above what would otherwise be required is justified. He agreed with Ms. Higgins' rewording.

Mr. Edgerton asked if there were any other questions. There being none, he opened the public hearing and invited the applicant to come forward and address the Commission.

Robin Joslin, Assistant Board Chairman of Free Union Church of the Brethren, stated that he was present to address their application. The church was originally built in the 1800's and then torn down and rebuilt in 1970. There is currently no place where the entire congregation could assembly without being in the sanctuary. Right now they have a basement below the church that has a small kitchen and a large area that they divide up with temporary partitions every Sunday morning so that the different Sunday school classes for the different age groups can meet. They would love to be able to have a permanent classroom in an area where the children can go and where the people can meet after church if they are going to have a lunch or in the event that there is a funeral. Currently, they have to have assemblies in the basement for food and coffee after the funeral. That is not an area where the elderly people in their church can get to because to get to the basement you have to go down two flights of stairs. It is not a situation that works well for them.

He stated that they are proposing a meeting room with 1,400 square feet as the Commission has heard discussed. It is just a large room in the addition where the congregation can assemble at one time without being in the sanctuary. The church is a benefit to the community, and the addition will help serve the community. On an average Sunday they average around 35 to 40 people. They might get up to 60 people on Easter. Normally they only have about 12 to 14 cars, even on the busiest Sundays. Currently, there is a triangle of land next to their land that belongs to Edgar Bronfman that most people come across to enter their parking lot. Mr. Bronfman has never minded the church using his land. But, the church agrees with VDOT that it is not a very clear entrance way. Therefore, they worked with VDOT to establish the 50 foot radius that they are requiring. The problem with that, since the speed limit is above 35 miles per hour, is that VDOT requires a sight distance easement for deceleration. Therefore, they have arranged with the person across the street, Richard Bell, to obtain an easement so that they can keep that area clear so that people coming from Millington Road can see around that little bend in the road if someone is stopped trying to get into the entrance way. They agree with VDOT that it can be made safer by cutting that underbrush down and have no problem complying with the 50 foot radius that VDOT is proposing.

He asked the Commission to grant the site plan waiver. They have spent a great deal of money getting to this point in trying to deal with all of the provisions. Their average offering on a given Sunday is only between $500 and $600. He pointed out that hiring an architect to do a site plan would chew up about a year's worth of surplus money. Their goal is to try to get this meeting hall or congregation area built as

soon as possible. He thanked Scott Clark for his assistance during the process over the last year and two months. He asked that the Commission approve their request.

Mr. Edgerton asked if there was any one else from the public who would like to address the Commission on this application. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Ms. Higgins stated that there is a statement on the concept plan that says tax map/parcel 29, 57, 58 and 59 as being combined. She asked if it was after they were combined that it was 2.66 acres.

Mr. Clark stated that was correct.

Ms. Higgins stated that it says that on this concept plan, but it is not a requirement under the special use permit recommendations that they will be combined. Therefore, she was not sure what part that plays since the special use permit would actually apply to the new combined parcel. She asked that they make sure that it is clear what they are approving.

Mr. Clark stated that any expansion would require the church to come back to amend the permit. If the parcels are not combined, the expansion ends up being in the required setbacks. So once these parcels are combined there is no longer a problem with the addition intruding in the 35 foot rear setback from their cemetery.

Ms. Higgins suggested that combining the parcels should be part of the special use permit conditions.

Mr. Cilimberg stated that condition 1 can be taken to cover that because it says that it shall be developed in general accord, which includes the notes. But, if the Commission wants that specified in the conditions, it would be fine.

Mr. Scott stated that the church is expressing their intent to combine their properties all into one, which would take care of the problem with the setback.

Mr. Rieley suggested changing condition 1 by changing the semi-colon to a comma and add including combining parcels so that there is no setback infringement.

Ms. Higgins suggested adding including combining tax parcels 57, 58 and 59B so that the special use permit applies to all of them.

Mr. Rieley stated that if one of the parcels is not necessary, then they would be imposing a limitation.

Ms. Higgins pointed out that the concept plan says that the total acreage is 2.66. She felt that they have to have the acreage agree with the permit. If a parcel does not need to be combined, it should not be included. But, the total acreage needs to match.

Mr. Rieley stated that to simplify it the condition should say, “including the note relating to combining parcels.”

Ms. Higgins agreed to Mr. Rieley’s suggestion.

Mr. Rieley stated that he would like to include Ms. Higgins’ language relative to VDOT to both the special use permit and the waiver.

Ms. Higgins suggested that after the word VDOT that it be worded to say, “VDOT construction permit for the modified entrance from Route 601.” She suggested deleting “approval of the” and put “construction permit for the modified entrance.”

Motion on SP-2004-051:

Mr. Rieley moved for approval of SP-2004-051, Free Union Church of the Brethren, with the recommended conditions as modified.

1. The site shall be developed in general accord with the conceptual plan entitled "Free Union Church of the Brethren Concept Plan," revised April 22, 2005, including the note relating to combining the parcels;

2. The area of assembly shall be limited to the existing 90-seat sanctuary;

3. There shall be no day care center or private school on site without approval of a separate special use permit;

4. Construction of the proposed addition shall commence within 4 years or this special use permit shall expire.

5. The applicants shall secure a VDOT construction permit for the modified entrance from Route 601.

Mr. Craddock seconded the motion.

Ms. Higgins asked staff to make sure that the concept plan was clear on the total amount of parking spaces required.

The motion carried by a vote of (5:0). (Morris – Absent) (Joseph – Abstain)

Mr. Edgerton stated that SP-2004-051, Free Union Church of the Brethren, would go before the Board of Supervisors on June 1 with a recommendation for approval.

Motion on Site Plan Waiver, SDP-2005-00041:

Ms. Higgins moved for approval of the site plan waiver, SDP-2005-00041, Free Union Church of the Brethren, with the conditions in the staff report as modified.

1. No development shall occur until Erosion and Sediment Control Plan has been approved and any required bonds have been posted or confirmation that less than 10,000 square feet is to be disturbed.

2. No Certificate of Occupancy will be issued for the building until the improvements to be authorized by a VDOT construction permit, which are shown on a plan titled Free Union Church of the Brethren Concept Plan, revised April 22, 2005, are completed.

Mr. Thomas seconded the motion.

Mr. Rieley asked if there was any problem with Ms. Higgins' adjustment.

Mr. Kamptner stated that there was a discussion earlier about combining the parcels and that it was only going to apply if it would be necessary.

The motion carried by a vote of (5:0). (Morris – Absent) (Joseph – Abstain)

Mr. Edgerton stated that site plan waiver for SDP-2005-00041 was unanimously approved.

Mr. Morris arrived at 6:30 p.m.

Ms. Joseph returned at 6:30 p.m.

Thomas Jefferson Planning District Commission Hazard Mitigation Plan – Request for approval of the Albemarle County portion of the region's Hazard Mitigation Plan, developed by the Thomas Jefferson Planning District Commission (TJPDC). The Hazard Mitigation Plan identifies actions to be taken to reduce or eliminate the risk to human life and property from natural disasters. The Plan was prepared with input from the Charlottesville UVA Albemarle Emergency Services Center and Albemarle County staff. Possible mitigation options are cataloged under: Education and Outreach; Policy, Planning and Funding; Information and Data Development; and Structural Improvements. (Bill Wanner - TJPDC)

Bill Wanner, of the Thomas Jefferson Planning District Commission, stated that they have before the Commission the Regional Hazard Mitigation Plan. He stated that he had additional copies of both the addendum items and the plan with the summary of the mitigation actions referencing the full discussion of those. They are seeking a motion of adoption from the Planning Commission to take this to the Board of Supervisors at their June 1 meeting with three really basic elements of purpose for the plan. One is to provide a vehicle for reducing or eliminating the threat to human life and property from natural disasters. The second is to meet regulatory requirements from both the Federal Emergency Management Agency and the Virginia Department of Emergency Management. The third is to avail ourselves of both pre- and post-disaster funds that are only available contingent upon an adopted plan.

As they talked about last time, the mitigation actions are really the core of the plan as far as they relate to Albemarle County. In the addendum that they prepared for tonight's meeting they have included not only the fact that a list of the mitigation actions is included as a summary document, but that David Hirschman's Study of the Debris Flow Hazard Inventory and Evaluation of the County is referenced in the plan and appended to it. At the Board of Supervisors meeting there was a discussion of the Scottsville Levy. The evacuation or assessment plan for that particular levy is now referenced in the plan and has been reviewed by your Emergency Service Coordinator as well. They changed one of the recommendations to read that property owners would be the responsible ones for the clearing of dead debris from wood land areas and that this was a public education action rather a structural requirement of the County. They also added an additional action to create an emergency action plan for the other Ragged Mountain Reservoir Dam. Those reference all of the comments made by both the Planning Commission at the last meeting and the Board at their May 4 meeting. He asked if there were any questions or comments.

Mr. Edgerton asked if there were any questions for Mr. Wanner.

Ms. Higgins asked if they inserted the list of the nine dams that you referred to.

Mr. Wanner stated that they were in the full study.

Mr. Wanner stated that they just excerpted the portions regarding Albemarle County in what they gave them, but that the full plan actually references all nine of those dams. He pointed out that she could see that on their web site if she would like to review that full document.

Ms. Joseph stated that on page 54 in the middle of the page there is a reference made to mitigation action. She asked what was being proposed to be used for the shelters.

Mr. Wanner stated that in most cases they were the schools.

Mr. Edgerton asked if there were other questions. There being none, he opened the public hearing and invited comment from other members of the public. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Rieley moved to send the Thomas Jefferson Planning District Commission Hazard Mitigation Plan to the Board of Supervisors with a recommendation for approval.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Edgerton stated that the Thomas Jefferson Planning District Commission Hazard Mitigation Plan would go before the Board of Supervisors on June 1 with a recommendation for approval.

Old Business:

Mr. Edgerton asked if there was any old business.

Mr. Cilimberg stated that there was one item circulated by email concerning the Architectural Review Board and Planning Commission meeting. The proposed agenda will be forwarded to the Commission in advance so that they can see the topics that they will try to cover. From reading the retreat minutes, he found that there were three things that they really were interested in. One was role clarification with the ARB and the Planning Commission. It may just be each talking about what they do. The second is the coordination of the respected reviews. That may also involve staff providing some information about how reviews are conducted in each case, particularly as it involves items that come to the Commission as recommendations from the ARB. He thought that was something in particular for rezonings and how that is handled. Third would be the possibility of cross representation of a Commissioner on the ARB or an ARB member on the Commission. That is certainly something that they can discuss. Ultimately, that would be a Board decision. But, they could include that as well. He asked if that would cover the Commission's bases in terms of their interest for that meeting. He pointed out that the Chair of the ARB was also going to provide any thoughts they have of particular note from their perspective for the discussion.

Mr. Edgerton stated that it seemed to cover everything.

Mr. Cilimberg pointed out that staff would work on it and find a date.

There being no further old business, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business.

Mr. Cilimberg stated that the Commission will not have a meeting next week on May 17. He pointed out that the Commission may need to have a May 31 meeting. It was going to be an off night. Staff has had one applicant, Old Trail, that has asked to come to you in May and that would be the only May meeting available. The other is some changes related to the North Fork Business Park zoning for the northern fire station. It is the new fire station for the County, which was proffered in that development, but needs to be in a somewhat different location than what was anticipated in the proffer.

Mr. Kamptner pointed out that right now the Fire Station ZMA amendment is scheduled for June 7. If it is moved up it be will one week earlier.

Ms. Higgins stated that she would be unable to attend the meeting on May 31 since it was the day after Memorial Day. She questioned whether there would be a quorum on that night. She pointed out that if there was any delay in any of the package of information that Monday would not be available because the County is closed. She felt that it was a very important item and pointed out that she would really like to be present.

Mr. Morris stated that he would not be able to attend that meeting either.

The Commission unanimously agreed not to hold a May 31 Planning Commission meeting.

Mr. Cilimberg stated that if the Commission feels uncomfortable with having a meeting on May 31 that he could contact the applicants and tell them that there will be no meeting.

Ms. Joseph asked if June 7 would work.

Mr. Cilimberg stated that as Mr. Kamptner mentioned, the Fire Station rezoning had been scheduled for June 7 anyway. It would only be one week earlier. He felt that would be fine. He pointed out that he would just tell Old Trails that staff talked with the Commission who felt that it would be better for June 7 on their schedule.

Mr. Craddock stated that he would be absent on June 14.

Mr. Edgerton noted that there will not be a meeting next week on May 17.

Mr. Cilimberg stated that if more than three Commissioners are going to go to Montalto that they need to adjourn to May 12 at that location. He pointed out that the Planning Academy would also be held on May 12 after Montalto at 7:00 p.m.

Mr. Edgerton asked if more than three Commissioners go to the Planning Academy if they would need to adjourn there.

Mr. Kamptner stated that if at least three Commissioners planned to go to Montalto, it was best to adjourn to there, and from there adjourn to the Planning Academy.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 6:48 p.m. to May 12, 2005, on the Grounds of Montalto.

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V. Wayne Cilimberg, Secretary

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