Albemarle County Planning Commission
August 4, 2015

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

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

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

Call to Order and Establish Quorum:

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

From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Morris invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next agenda item.

Committee Reports.

The following was noted by Commission members:

Mr. Dotson reported the ACE Committee is moving forward in the process of taking applications and obtaining appraisals.

Mr. Randolph noted the following:
- Update on last night's community meeting on Fifth Street Station project.
- The Solid Waste Committee Report goes to the Board for discussion tomorrow night. The summary report will be emailed to PC.

Ms. Firehock highlighted two important upcoming meetings:
- Meeting to be held by the District's board and commission representative to listen to resident concerns and questions regarding the proposed growth area expansion at the intersection of 29/I64. This was requested by residents since Ms. Palmer and Ms. Firehock were not able to attend the last community meeting. Ms. Firehock will facilitate. Notes will be taken and shared with commission. All are invited to attend. Room A at COB-5th Street is confirmed for Wed., Aug. 12th, 5:00-7:30 p.m.
- The Water Resources Committee will meet next Thursday, August 13th to work on their final recommendations.

Mr. Morris noted the first community meeting for the Brookmill project at the intersection of Polo Grounds Road and 29 was held last week

The meeting moved to the next agenda item.

Public Hearing Items.

a. **SP-2010-00017 All God's Children Child Development Center**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 122000000002A0
LOCATION: 900 Glendower Road
PROPOSAL: Preschool for up to 50 children in existing building

PETITION: Day care, child care or nursery facility under section 10.2.2.7 of the Zoning Ordinance (reference 5.1.06).
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
(Scott Clark)

Mr. Clark presented a PowerPoint presentation for SP-2010-17 All God's Children Development Center.

This is a special use permit request for daycare in the rural area zoning district. The proposal is now for 34 children. However, the description in the legal ad for the use says 50 children, and he wanted to explain that discrepancy.

The proposed use will be located on Glendower Road just south of its intersection with Coles Rolling Road near Keene. It is located in a very rural area. The daycare will be located on the 5 acre property, which is mostly wooded. There is an existing building that would be used for the proposed daycare. Nothing new would need to be built.

There is an existing gravel entrance and parking area with the driveway off of Glendower Road. The parking area would be more delineated than shown if the use is approved. The proposed use would be on the first floor of the structure. Behind the daycare is the partially wooded portion of the property.

How the use would affect the surrounding area -

- The nearest dwellings are at least 1,500 feet away. Most of the nearby properties are either wooded or in agricultural use.
- The level of use at the proposed 34 children would create up to 136 drop off and pick up trips per day. That does not include staff. It could be a lower count if there were families with multiple children enrolled.
- The road is traveled very little. The last traffic count on the road averaged 50 daily trips, which is very little. VDOT has reviewed the application and has no objections to it. There may need to be some sight distance clearing work, but that is all on the property.
- One issue that came up is this proposal is on a property that is adjacent to Carter's Bridge Agricultural and Forestal District. The County Code directs us to consider the presence of an Agricultural/Forestal District before making land use decisions on properties adjacent to that district. As they traditionally do when a property is near an existing ag-forestal district, staff took this proposal to the Agricultural/Forestal District Committee to get their recommendation. Their concern was not so much with the impacts physically on the district itself and the land in the district, but on potential traffic conflicts with agricultural uses (such as logging trucks, tractors) with the daycare traffic coming through the district. The Committee suggested that the use be approved, but at a smaller maximum attendance, perhaps 25 children, to lessen the traffic conflicts with agricultural traffic that might be in that area. Staff notified the applicants of this and they said the 50 students they had originally proposed was the maximum the building could hold; but, in fact they wanted to have no more than 34 children in the building. The applicant really did not want to manage more than that number because it was getting out of scale with what they wanted to do. Staff thought that reduction from 50 to 34 children could address the Committee's concerns with the scale of this use in the rural areas.

Staff has identified the following factors favorable to this application:

1. The proposed facility would use an existing building, which limits physical impacts.
2. The applicants have reduced their proposed maximum enrollment in response to the Agricultural/Forestal District Advisory Committee's concerns over traffic conflicts with agriculture uses in the District.

Staff has identified no factors unfavorable to this application:

Staff recommends approval of SP-2010-17 All God's Children Development Center day care proposal with two changes to the conditions recommended in the staff report, as follows:

- Condition 2 was reworded to maximum enrollment shall be 34 children.

- Condition 6 is a new standard condition that would give the use three years from the Board's approval date before expiration.

Mr. Benish pointed out the last condition #6 is a new standard condition that he had been reviewing and just failed to note it was not there. So there is nothing unusual about that condition.

Mr. Morris invited questions for staff.

Mr. Dotson noted that condition 4 makes reference to a camp and should be school.

Mr. Clark replied that should be daycare and not camp and actually is condition 5. Staff can make that change since that phrase is exclusively for camp use and should be cut entirely from that condition.

Ms. Firehock asked Mr. Clark to explain how he got to the number of vehicle trips per day.

Mr. Clark explained that the number of vehicle trips is multiplied times four because it is a trip in and a trip out and then adding the pick up at the end of the day.

Ms. Firehock said it now made sense that it would be the parents that come and go and come and go.

Mr. Keller said the first question is just procedural. When a committee takes a close look at something how does that information get to the Planning Commission. He asked is it up to the staff report to reflect that?

Mr. Clark replied yes, whenever they have an advisory committee involved in a process like this they always include the results of that meeting and their recommendation in the staff report to the Commission.

Mr. Keeler pointed out that he was at the Agricultural Forestal Committee meeting and it was difficult because there were no representatives for the church there to speak to this. So the committee members had to dig in and figure it out the best they could. However, there was a lot of concern about the two access roads. Coles Rolling Road is paved with a short section going unpaved to the church. The other is a longer, very narrow, almost English countryside and quite wonderful Glendower Road that obviously would have more potential conflict between agricultural operations and rural operations on that road and commuters to the church on the paved road. So just for background he wanted his fellow commissioners to understand that is what led to one person voting against it completely and a number of questions about whether we could address the issue of what the impacts would be on a public gravel road.

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

John Robins, All God's Children Child Development Center Board member representing the special use permit, said two of the board members and two representatives from the church were also present. He said staff has done a wonderful job in explaining our project. The church has been working on this proposal for a number of years because of the need for good quality teaching for oriented childcare to serve the southern part of Albemarle County, Fluvanna County and Buckingham County. It is a funnel for a lot of traffic down through Keene. It is also in compliance with a goal that came out of the county some years back for childcare in the southern part of the county. The goal was set by social services and the church was trying to accomplish one of the goals for the county. He would stand aside and if there were any questions he would be happy to answer those directly.

Mr. Morris invited questions for the applicant.

Mr. Randolph said just for the record the county is therefore recommending reducing the number from 50 to 34 children. However, the septic system that the church is going to upgrade will have a capacity for 50 children and beyond. He asked if that was correct.

Mr. Robins replied that he thinks the capacity was for 60. They split the building more than anything else; but, they are only using the first floor of the building. There is a second floor. The septic system will be sized correctly for the entire building.

Mr. Dotson asked if this would be a morning program or day long and what age range.

Mr. Robins replied it would be a day-long program that would start at 6 a.m. and end at 6 p.m. The age range would be from 6 weeks to school age. They have multiple classrooms in the building. He thinks in the floor plan sent to the staff they had multiple rooms for infants, toddlers and for different age groups.

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

Mr. Loach pointed out he had a question for staff. The original application was for 50 children, but it was cut back to 34 children because of a potential problem raised by the Agricultural Forestal Committee. He asked is there a way to word the condition so that if this potential problem does not arise or if it can be looked at a later date and they want to go to 50 children that they don't have to go through the whole process. Can staff make this condition give staff administrative approval to go up to 50 children at a later date based on a withdrawal from the Agricultural Forestal Committee if that is the reason and there is nothing else stopping it from reaching its potential?

Mr. Benish replied unless they had conditions that cited specifically the Commission's approval for 50 children based on certain conditions they are not prepared to do that.

Mr. Kamptner noted if the change in circumstances was something such as the withdrawal of the one nay vote from the Agricultural Forestal Committee he thinks they need a different basis in order for staff to make the call that the size of the facility can increase to 50. It needs to be something more objective.

Mr. Randolph asked if they would not be able to do similarly what the Commission did out on Ivy Road in the case of the school. They essentially established 34 as the original maximum number and that the institution can come back in two years and based on how they see the school has functioned and the impacts on the roads determine whether it could not be extended.

Mr. Kamptner said the applicant can always come back to amend that condition, which requires them to go through the process. However, that option is always available to them.

Mr. Benish noted this seemed like a convenient approach since their design concept really was more consistent with what the Advisory Committee was recommending. However, they always have that option available.

Mr. Kamptner agreed that option is always available.

Mr. Randolph said that was great because he would like to cut it from two to one year that they would be able to come back to us. They really don't have a sense, at least what people have told me, of what the upper figure is for daycare in that region. But, understanding this will be the first daycare facility servicing the Scottsville region there is a tremendous amount of interest on the part of JABA to partner potentially with other things to happen and he did not want to constrain them. He thinks thereby asking them to come back in a year may be appropriate, but it is a bit of a constraint. He asked if they can live with that in coming back in a year.

Mr. Kamptner pointed out the applicant can come back at any time.

Mr. Morris noted they could come back in six months.

Mr. Randolph said he wants to be fair also to the other concerns they have heard. He recommended giving them a year and then allow them to come back with 50 as the new maximum that we would apply. He would certainly think it was appropriate that when that body meets again that there be a representative from the church to be able to address the concerns that came up. He thinks the applicant has been perhaps bushwhacked or tree wacked here by this body at the last minute. He would like to recognize that maybe a year would be a livable period of time to get them up and running and then have the applicant come back to the Planning Commission to extend the period.

Mr. Keeler said with due respect the applicant had the opportunity to present and as he understands was informed of the Agricultural Forestal Meeting.

Mr. Clark pointed out that he let the applicant know about the meeting.

Mr. Keeler pointed out that it was not that they had been bushwhacked because they had that opportunity.

Mr. Randolph acknowledged that they were informed.

Mr. Keller said it is amazing to have reuse of historic resources like this and he is really supportive of this concept in this particular case. He has concerns that they need from the planning perspective to explore and think about the ramifications of these two roads. He thinks the people who live in that area should be aware that they have a program that provides encouragement if the vehicle count goes up high enough on a dirt road to think about paving that road. So a wonderful gravel road has the potential to change if a number of the people elect to travel to the church on Glendower graveled road as opposed to approaching it from Coles Rolling Road. Essentially that is what he had wanted a bit more staff direction on for the Agricultural Forestal Committee discussion. He asked if what he said was accurate or inaccurate in that they have a program in the state to pave ungraveled roads.

Mr. Benish replied there is funding available through the State Secondary Road Funding, and through the state allocation there are funds allocated solely for unpaved roads. That money is either used or lost. The Board of Supervisors prioritizes and uses that money based on a number of projects. He thinks they have 40 or so on that list. That list is generated in part by public request and evaluation by staff as to the priority for those roadways. So there is a potential that it could be funded. It depends on public interest as well as need in that area.

Mr. Kamptner noted they are just wrapping up a rural addition project with VDOT to pave Fox Mill Road. One thing VDOT requires is that all of the owners along the road consent to the paving, assuming that it is a prescriptive easement. For this old road that is likely going to be the case. He said VDOT requires that all the owners whose property fronts consent to the paving and that they are dedicating all of their frontage of 15' or 20' to the center line to the county.

Mr. Benish said if the road is eligible for the Rural Rustic Road Program they don't have to do a dedication and it can be paved in its right-of-way. However, they do go through a public process, too, whether there is public interest and agreement in paving that roadway.

Mr. Keller asked the applicant if he sees ways they could encourage the parents to drive on the paved road as opposed to the unpaved road in terms of safety and access. He realized for people coming from the south that there is a shortcut along the gravel road, and yet having driven it as recently as today it seems they are looking at significant traffic back and forth with children being dropped off. There are issues associated with that.

Mr. Morris asked Mr. Robins if he would like to come forward and address that question.

John Robins said he thinks what they are going to see is a lot of the traffic that will be coming to the school and then heading to Charlottesville to work. So they are going to see some folks going in on Glendower and then coming out on Coles Rolling Road. They are going to see about one-half of the

traffic coming through in the morning and then coming back in the opposite direction in the evening. Using that road myself, if raining he wouldn't go down Glendower. He would go all the way up to Coles Rolling Road and come around because that road has potholes and it is really messy. He thinks about one half of the traffic flow will come in one way and go out the other way to head to Charlottesville.

Mr. Keller asked if he was correct that the church was only signed on Coles Rolling Road at this point, and it was not signed off of Route 20 onto Glendower Road.

Mr. Robins replied it was signed in both places.

Mr. Morris invited other questions.

Mr. Randolph noted one observation he would make in having lived on a dirt road in Connecticut is that people have learned what roads to ride on based on the season and what roads to avoid. In the point that Mr. Robins brought up he thinks people will try to stay off the dirt road especially during mud season when the potholes are there.

Mr. Keller said he would just add in a positive way that actually the sight line might actually be better at Glendower on Route 20 in both directions than it is at Coles Rolling Road. So there are positive tradeoffs to that as well.

Mr. Morris asked if they were ready for a motion with an amendment.

Mr. Randolph moved to recommend approval of SP-2010-00017 All God's Children Child Development Center subject to the conditions recommended by staff and the Planning Commission requesting the applicant to come back within a year.

Mr. Kamptner pointed out it would be left up to the applicant because they could come back at any time.

Mr. Benish pointed out the conditions do not require the applicant to come back.

Mr. Randolph agreed to amend the motion to remove the portion requesting the applicant to come back within a year.

Motion: Mr. Randolph moved and Mr. Loach seconded to recommend approval of SP-2010-00017 All God's Children Child Development Center with the conditions recommended by staff, as amended.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

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

Mr. Morris noted that SP-2010-00017 All God's Children Child Development Center would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined with the following conditions.

1. Development of the use shall be in general accord with the conceptual plan titled "All God's Children Child Development Center," revised 7/23/15, (hereafter, the "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:

    - Use of the existing building; no new structures shall be used for the day-care use

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

2 ~~Total day-care enrollment shall be limited to 34 (thirty-four)~~. **Maximum enrollment shall be thirty-four (34) children.**
3 The permittee shall obtain written approval of the entrance design from the Virginia Department of Transportation prior to the County issuing a zoning clearance and the permittee commencing the use.
4 The permittee shall obtain written approval of the water supply and the onsite sewage system from the Virginia Department of Health prior to the County issuing a zoning clearance and the permittee commencing the use.
5 All outdoor lighting at the site ~~**that is exclusively for camp use**~~ shall either emit 3,000 lumens or less or be a full cutoff luminaire.
6 The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

The meeting moved to the next agenda item.

Public Hearings

b. SP-2015-00007 All Saints Chapel
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 04800-00-00-001600 & a small portion of 04800-00-00-019E0
LOCATION: 3929 Stony Point Road
PROPOSAL: Expansion of an existing Church to construct a 795 SF building addition (social hall), associated parking, and entrance upgrades.
ZONING: VR Village Residential - 0.7 unit/acre.
ENTRANCE CORRIDOR: Yes
SCENIC BYWAYS: Yes
SOUTHWEST MOUNTAINS RURAL HISTORIC DISTRICT: Yes
PROFFERS: No
COMPREHENSIVE PLAN: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
PETITION: Church uses in the VR zoning district require a Special Use Permit per Section 12.2.2(15).
(Chris Perez)

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

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

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

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

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

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

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

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

Factors unfavorable to this request include:
1. None.

RECOMMENDED ACTION FOR THE SPECIAL USE PERMIT:

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

1. Development and use shall be in general accord with the conceptual plan titled "All Saints Chapel SP201500007" prepared by Joseph Associates LLC and dated June 1, 2015 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
   - *building orientation*
   - *building mass, shape, and height*
   - *location of buildings and structures*
   - *location of parking areas*
   - *relation of buildings and parking to the street*

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

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

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

4. The applicant shall obtain VDOT approval of a commercial entrance prior to approval of the final site plan.

5. The applicant shall obtain Virginia Department of Health approval of well and/or septic system prior to approval of the final site plan.

6. If it is determined that site conditions allow, switch the locations of the primary and secondary drain fields.

7. If trees are removed or die as a result of drain field installation, the trees shall be replaced with 2" caliper trees. The location of replacement trees shall be shown on a revised landscape plan to be approved by the Director of Planning or his designee.

8. Materials and colors of the addition shall be compatible with the materials and colors of the historic chapel.

9. Except for repair and maintenance of the fence where there is no substantial change in design, and

except for renovation of the fence to accommodate a new gate to provide access from the parking area to the existing front entrance of the chapel where the gate design is compatible in form and materials with the existing fence design, the fence and its stone end piers shall be retained without change.

10. If after meeting VDOT and County Engineering requirements, clearances between the edge of the entrance drive and the property line allow, relocate the stone pier on the east side of the entrance drive prior to issuance of Certificate of Occupancy (CO).

11. Prior to final site plan approval, the entrance to the site shall either be located entirely on the Church Property (TMP 04800-00-00-01600) by adjusting the property line between TMP 04800-00-00-01600 and TMP 04800-00-00-019E0, or the applicant shall obtain an easement from the owner of TMP 04800-00-00-019E0 to allow the portion of the entrance to be located on that parcel.

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

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

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

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

Condition 4 requires the applicant to obtain VDOT approval of the commercial entrance prior to approval of the final site plan. They left it general so it flat out talks about commercial entrance versus the actual standard entrance as a low volume or a high volume. For this specific use VDOT has agreed to a low volume commercial entrance per the applicant's testimony about the number of trips and how many people at the church will use it. Staff left that condition general so if it did have to kick up it would not have to come back.

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

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

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

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

Mr. Morris invited questions for staff.

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

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

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

Mr. Perez replied there is a mix of trees in this area. The site plan shows some of them. However, based on walking the site there are some large trees; but then there are some smaller 1 inch to 2½ inch kinds of things.

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

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

Mr. Randolph pointed out the point is that there are not any 100 year old trees or trees of historic importance from the standpoint of a marker tree for the community. There may be trees in there, but there are a fair number of trees that are fairly recent saplings less than ten years or there about in terms of age. The third question would be in terms of the stone pier on the east side of the entrance. VDOT might want to look at actually proposing removing that stone pier. Does that stone pier have any historical importance in your judgment?

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

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

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

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

Mr. Perez replied probably not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The existing structure is around 600 square feet.

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

She asked the Commission to consider the site constraints.

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

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

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

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

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

they can make this condition a little more flexible that would really help. Part of the area that is in the drain field they have designated on the plan itself.

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

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

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

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

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

Mr. Morris invited further questions for the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Keller asked "Even the conifers?"

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

Mr. Keller thanked Mr. Shackelford.

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

Ms. Firehock noted after hearing their arguments from the uncle and the left most eastern pier forming the gate edge she could support losing that. She thought the little gate was a very charming feature, but seeing this photo and understanding the context of why it was there she did not have a problem with removing that. She remains confused about the switching of the drain fields and suggested more

discussion about that. The applicant would like to switch the drain fields, but that is not what staff recommended. She asked if staff could elaborate more on it.

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

Ms. Firehock said she remained confused.

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

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

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

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

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

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

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

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

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

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

Mr. Clark asked what about the trees.

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

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

Ms. Firehock said from her professional practice, bare root saplings actually have a much better survival rate than 2" caliper trees. She also has noticed that a lot of nurseries keep their trees in pots too long; they become root bound and the trees often don't survive. Then there is the other problem with improper installation. So she actually was fine with saplings and they don't need to be 2" caliper since they will survive better if they are not and they will be cheaper for the applicant to purchase.

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

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

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

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

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

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

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

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

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

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

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

Ms. Firehock said she was back to the trees. She was sympathetic, but a sapling does not cost very much. They can dig it up from another property and bring it there if they like if you properly dig your hole. If they want guidance, she would talk to them later. She would suggest in condition 7: replace the word "2 inch caliper trees". They would be talking about more of an expense of $150. So moving to saplings they are getting to the neighborhood of $30. She would rather see 2" caliper trees replaced with "trees shall be replaced with appropriate native saplings" and just leave it at that.

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

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

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

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

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

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

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

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

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

Ms. Firehock said it was for significant trees.

Mr. Morris said it was mature trees.

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

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

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

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

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

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

Ms. Firehock added, "Shall be replaced with appropriate native saplings".

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

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

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

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

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

Mr. Loach seconded the motion.

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

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

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

The Planning Commission recessed at 7:33 p.m. and the meeting reconvened at 7:39 p.m.

Public Hearings

c. **SP-2015-00020 CVS at Rio Road and 29N**
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 0610000000123F0, 0610000000123G0
LOCATION: 1700 and 1701 Seminole Trail
PROPOSAL: Drive-through window for proposed CVS pharmacy
PETITION: Drive-through window under Section 24.2.2 of zoning ordinance. No dwellings proposed
ZONING: HC Highway Commercial, commercial and service; residential by special use permit (15 units/ acre)

ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging, in the Places29 Development Area
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation SP-2015-20 CVS at Rio Road and 29 - Request for a Drive-Through Window.

- The request is to construct a drive-through window for a proposed CVS pharmacy.
- The pharmacy is permitted by-right in HC Zoning.
- Special Use Permits required for drive-through windows in HC Zoning under Section 24.2.2 of the Zoning Ordinance.

The property is located in the Northwest quadrant of the Rio Road/29N intersection. It is currently 2 parcels that total 1.63 acres. There are 2 existing buildings on site. There is a bank with an existing drive-through window as well as a small shopping center with some small businesses and a restaurant. The property is zoned HC. It is within the Rio Road & Route 29 Entrance Corridors

In the proposed concept plan for the drive-through the applicant proposes to:

- Combine two existing parcels into one and demolish the two existing buildings
- Construct a 11,945 square foot pharmacy
- Utilize two existing entrances on site. One on Route 29 is right-in and right-out. Then an access way to Rio Road is also right-in and right-out.
- The drive-through is on the NW corner of the building.
- There is space for up to 5 cars stacked behind the drive-through window waiting in line
- There is also enough space for cars to bypass the window if they change their mind once they get in line.

The preliminary rendering was provided for ARB preliminary review. The vantage point is from the Route 29 Grade Separated Interchange (GSI). The drive-through will be on the back corner of the building. The applicant has limited the visibility probably about as much as they can on the site from the Entrance Corridor. It will be partially visible from points north on Route 29, but probably won't be seen from Rio Road.

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

Factors favorable:

1. The ARB has completed a preliminary review of this proposal and had no objection to the proposed drive-through use as designed.
2. There is no conflict anticipated between vehicles stacked in the drive-through lanes and vehicles in the parking lot or off-site traffic.

Factors unfavorable:

1. The applicant has not provided letters of support from adjacent property owners as requested by staff.

In talking to the applicant staff found a little bit more information. In lieu of the community meeting we allowed the applicant to provide letters from adjacent property owners expressing their support for the project. Really our intent with this was to make sure we had some record that they knew the adjacent property owners were aware of it and had no major objections. It sounds like the applicant is having trouble getting one of those letters. So it might be something we could discuss tonight moving forward without that second letter. Maybe staff could reach out just to make sure there are no major objections from that property owner.

Other Factors for Consideration:

Another factor for consideration, which is not something staff thinks should stop this particular use, but it is something to think about moving forward.

1. The drive-through use in and of itself does not further the principles of the Neighborhood Model recommended in the Comp Plan. However, the use is typical and regularly occurring in the HC zoning district (there is currently a drive-through facility on this site and there are several others in the immediate area) and by its nature will generally not be consistent with Neighborhood Model principles. It is something to think about in the future as they update our small area plans and master plans. We might want to start considering where we think these uses are appropriate in the county.

Recommendation:
Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP-2015-00020 CVS at Rio and 29N, with the conditions listed in the staff report. The conditions are pretty standard and staff has used them in the past couple of drive-through requests approved in recent years.

Ms. Falkenstein said she would be happy to answer any questions.

Mr. Morris invited questions for staff. He asked staff to point out where the new 29 North intersection would go and how is it going to be affected especially the entrance off Route 29.

Ms. Falkenstein pointed out the rendering is kind of raised up from the site and actually from the perspective of the new intersection. So this will be the new traffic pattern in the area and the existing entrance will remain.

Mr. Keller commented having looked at the other rendering he thought this is a pretty major transformation when you are driving along and you will be looking down at the CVS.

Mr. Randolph said on page 3 in the top paragraph fourth line down you reference enough space for five vehicles stacked behind the drive-through window. Then in another location on page 4 under "and with the public health, safety and general welfare" in the fifth sentence it says, "Enough space for five stacking spaces behind the vehicle at the window have been provided." So on the first reference he gathered it was a five vehicle stack and then the second reference if you include the vehicle at the window it is six vehicles stacked. He asked is it five or six? It does not really matter, but he just wanted to get an idea from the standpoint of consistency.

Ms. Falkenstein pointed out that was actually a point of conversation between the applicants as well. Our zoning ordinance defines stacking as starting behind the window so there will be five stacking spaces. However, if you are counting the car at the window there will actually be six.

Mr. Randolph pointed out that actual question came up last night during the discussion about the window at Fifth Street Station. He appreciates Ms. Falkenstein passing that along.

Mr. Dotson said just to clarify is the only thing that is before us tonight the special use permit for the drive-through window.

Ms. Falkenstein replied that was correct.

Mr. Dotson said just looking at the staff report the proposal meets all of the ordinance requirements and the county engineer is satisfied with what is being proposed.

Ms. Falkenstein replied that is correct.

Mr. Dotson asked with the special use permit are adjacent property owners notified of that.

Ms. Falkenstein replied yes, they are notified when the application comes in.

Mr. Dotson noted that he was curious about the context of that notification. Is it a letter that gives a staff person for someone to contact to learn more or does it provide a way that if somebody had a comment they could make one?

Ms. Falkenstein replied yes, the letter provides my information if they have any questions or concerns.

Mr. Dotson said in a sense what we are asking for with a letter of support is sort of a double standard compared to our usual procedure.

Ms. Falkenstein replied the usual procedure would be to hold a community meeting. They did not require that with this use because there is an existing drive-through. Staff did not feel the impacts would be that significant, but they did want to reach out to neighbors to hear if there were any major objections. That was the idea of the letter of support. It was not intended to be something that a neighboring property owner could use to delay or to stop the project. However, it sounds like that may be what is happening.

Mr. Benish said he thinks what he is getting to is in a way they have gotten to the point where their opportunity now is through the public hearing process to comment. They have been notified and they have not attended. So they can presume they have no interest in pursuing that. He thinks the point was just to try to bring closure to that process that we started. The idea was to use that as a surrogate of the community meeting.

Mr. Dotson pointed out he thinks the original intent was to sort of streamline the process when there was adequate justification to streamline it. Now that the letters have not come in, in a way it has become a bottleneck. So when they get to that point he will be in favor of not having a condition and it goes on to the Board of Supervisors.

Mr. Benish said that was fine.

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

Ashley Davies, Land Use Planner at Williams Mullen representing The Rebkee Company, said they are very pleased to finally get to this part of the process. This is a small site that has proven to be very complex being at the heart of the grade separated interchange. They have had a lot of back and forth at VDOT on how much land needs to be taken; where the various easements are; that there is a lot of topography; and they are on two Entrance Corridors. So that has been quite the process. She just wanted to add commentary about both of the neighboring properties. She noted that Rebkee and Riverbend Development, the two groups working on this project, have worked with both those property owners directly because they have various joint access easements on both sides. When the original letters went out in March to both of those property owners they did include the proposed site plan and all of that. They got the one letter back and she has sent several to the other property owner, and here we are. However, she knows they are well aware of the project and she is sure they probably would have sent someone tonight if they had something specific that they wanted to say. She was happy to try to answer any questions and thanked the Commission for their consideration.

Mr. Morris invited questions for the applicant. There being none, he invited public comment. There being no public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Mr. Randolph said he was present at the ARB meeting and listened to the entire discussion of the ARB. It was quite the discussion about the wall that will go in on 29 Solutions at that location. So that was extensively vetted. There was one observation he wanted to make, which really does not have to do with the application at all. He thinks there is a need for this body to reexamine the zoning and the comp plan regulations following Solutions 29 work on that small area plan. He thinks they are going to need to take a look at that and whether things are working as well as they could in this location.

Mr. Keller pointed out this comment goes back to staff. He was sure that it meets the standards, but just had an observation as a person who uses the CVS Long Street drive-through window and the conflict, if you will, with the entrance to Tractor Supply. He was looking at this 29 turn off and turn in and guessed when he looked at it closely the first time he was not realizing that there was actually an opportunity to leave CVS and enter onto 29. So when one talks about a six car stack or even a five car stack if there happened to be somebody backing out of a parking space that is on the west side of CVS, the opposite of the drive-through window, and therefore that kind of intersection given the volume of flow in front of the side that is parallel to 29 if you have 3 or 4 cars that are turning in from 29 at the same time, and if you have a couple of cars trying to leave to where that car is backing out you are really going to have the equivalent of a two car back up and you are going to have cars stacked on 29. He has seen this type of situation many times at the CVS and Tractor Supply, which he thinks has a lot less volume than this will have. That is just an observation. He was sure they were meeting the standards, but he can see that there could really be congestion at that intersection at certain times. He asked is there an answer to that. He would guess traffic engineers have looked at this. However, he really wondered if over time they were going to be pleased that they allowed cars to both enter and exit onto 29 at that point.

Ms. Falkenstein pointed out the engineer reviewer, John Anderson, is here tonight if Mr. Keller wants him to address that.

Mr. Keller asked Mr. Anderson to address that.

John Anderson, Civil Engineer with Albemarle County, said it was a pleasure to be here tonight. It has been very enjoyable working on this project. He wanted to really commend Ms. Falkenstein, Amanda Burbage and the applicant because he really appreciates everyone's hard work on this project. The stacking has been looked at thoroughly by the applicant's design and reviewers, Mandy Burbage in particular. He really wanted to ensure that the congestion was minimized. Some of the things engineering looked at was the studies they could find and they found several. There were no antidotes, but there were studies published by the Institute of Transportation Engineers. One of them was a small sample study from the twin cities. They are talking about large cities in Minnesota; Minneapolis and St. Paul. He did not know the exact location, but they could probably find small places in those large cities. They studied peak hours when you would expect rush hours. They actually studied the small samples of CVS pharmacies. So there were about 9 or 10 CVS pharmacies that they studied. He could get the Commission exact information if they like. Based on peak hour observations, their recommendation was there was room in that drive through lane for 4 cars behind the car being served.

Mr. Keller pointed out he was not talking about that. He was talking about as traffic is flowing around if the car is backing out and these cars have to stop the cars circulating around are blocking the opportunity to enter this drive-through lane. So then you have to count the stacking from right here so basically it is a two car stack in two places.

Mr. Anderson agreed that they could certainly have that situation.

Mr. Keller pointed out that he see it at the other CVS on a regular basis.

Mr. Anderson pointed out one thing the engineers for Kimley-Horn and CVS considered was the idea of moving the service lane to the southwest corner of the pharmacy. However, like a lot of companies they have sort of a standard floor plan. There are a lot of things happening in that area, not just a drive through lane, but they have a stripped loading area, a dumpster, and they are trying to preserve access to this site from two different areas. They could not quite do that. They could not swing that service lane all the way down the west wall because that does not work for their particular business the way the floor plan is laid out. If they could have done that it would have addressed your concern and they would maybe have a different entry point. They requested the applicant to look at that, and they did take time to look at and consider that. They went to CVS and discussed it.

Mr. Keller said he was supportive, but just wants you to understand it when you keep talking about the stacking that is not really what he is talking about. The CVS at Long Street can have 6 or 7 cars in that line and he has been in that line, but it is entering into the parking area where there is the congestion.

Mr. Anderson said yes, out onto the street.

Mr. Keller questioned what effect that could have on a high speed 29.

Mr. Anderson pointed out that will be a low speed on 29 at that point because that is in the local business lanes.

Mr. Keller noted it was a heavily traveled 29.

Mr. Benish said that condition could actually occur regardless of the stacking, which is what you are talking about. So to the extent VDOT in their evaluation of where they permit entrances and how they permit them with this construction he did not know if they have taken that into account. What you are talking about could be sort of exasperated by the drive through, but it could happen without regard to it.

Mr. Keller pointed out he was really talking about being able to enter onto 29 from there, not about entering in to CVS from 29. He was saying that if you have enough people who want to leave CVS to get on to 29 they are blocking the ability to stack. Conceivably if you have cars backing out of these parking areas there is even a safety issue he would think would possibly be generated because there is not the opportunity to continue flowing along the side of the building and around past the window. That is his point.

Mr. Anderson said the dimensions were a little bit hard to make out. The drive through lane at the entrance is 10' and 4" wide in the lane itself, and the travel lanes with the directional arrows is 24' wide. The person from All Saints Chapel pointed out this room is 28' long. So 24' and 10' is longer than the length of this room and that is the actual space available there for the entry for the drive through.

Mr. Keller said if a car is backing out and that car is 14' long, then that is taking 14' of the 28' feet. This other way, let's say they are only taking 6' or 8' of it. However, it is pretty tight.

Mr. Morris noted it was a very good point. He thanked Mr. Anderson. He asked if there is any other discussion.

Mr. Dotson agreed that Mr. Keller raises a very good point from the local level. From the 10,000 foot level he was very encouraged to see this commercial investment happen at the grade separated intersection after all of the discussion by others who have concerns about the commercial viability of this design. So he is very happy to see this go forward at an appropriate time, which may be now. Therefore, he would make a motion.

Motion: Mr. Dotson moved and Mr. Randolph seconded to recommend approval of SP-2015-20 CVS at Rio & 29N with staff's recommended conditions 1, 2, 3 and 4 only.

1. Development and use shall be in general accord with the following revised plans prepared by Kimley-Horn, Sheet CS-101 (1 of 3 in special use permit plan set) dated June 17, 2015 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
    a. Relationship of drive-through lanes to the building and the parking lot
    b. Building location, orientation and mass

    Minor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The applicant is responsible for installation and maintenance of traffic control devices including but not limited to signage and pavement markings at the entrance and exit points of the drive-through lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.
3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.

4. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

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

Mr. Morris noted that SP-2015-20 CVS at Rio & 29N would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

The meeting moved to the next agenda item.

Old Business

Mr. Morris asked if there was any old business. There being no old business, the meeting moved to the next agenda item.

New Business

Mr. Morris asked if there was any new business.

- In visiting several sites Mr. Dotson pointed out it was hard to see the posted signs that were parallel to the road and made a suggestion to post signs at a 90 degree angle from the road for better visibility for those passing by. Mr. Benish said he would pass that on to the zoning staff.
- Mr. Keller said regarding what Ms. Joseph brought up about churches being considered as the cross road stores that it has positives and negatives. He suggested the Planning Commission have a discussion in the future on churches being considered similarly to the cross roads stores after the Historic Preservation Committee reviews it first.
- Mr. Loach discussed the need to spend more time on redevelopment within the growth area in the small area studies especially in the master planned areas on 29.
- Mr. Keller noted this is a heads up for staff in terms of the growth area expansion. He is getting a lot of questions about things they have added, such as farm wineries, breweries, distilleries, and whether a bit larger operation could fit under that category and be an answer to the challenge of adding light industrial areas. He thinks staff is going to be asked those kinds of questions by the public at the upcoming public hearing.

  Mr. Benish replied that he thought the distinction in these types of industries that they are looking for are not going to be driven by an association with agricultural activities on the site. These are going to be large industrial sites.

  Mr. Keller explained where they were going with this is might they be able to be shoehorned in under those categories and what are going to be the quantities that are going to be allowed to be produced.

  Mr. Benish noted in other words where that threshold would be.

  Mr. Keller noted there was a lot of discussion about not growing enough grapes in Virginia for wineries to meet their 50 percent requirement with beer hops and grain for distilleries.

- As a follow up to that, Mr. Loach suggested it would be good to get the data regarding the comments made by Mr. Williamson about the land lost in the development area at Biscuit Run.

- Mr. Morris raised the issue of the Neighborhood Model being "a" model or "the" model, and that it does not dictate a specific design.

- Mr. Benish noted Scott's report tried to do an assessment of other activities in the area regarding the daycare. He realized the Commission specified special events, but staff did it for the new contributing activities and will continue to do so. He questioned if that meets the Commission's expectations regarding what type of uses might have an impact.

- The next Planning Commission meeting will be held on Tuesday, August 11, 2015.

There being no further new business, the meeting moved to adjournment.

Adjournment

With no further items, the meeting adjourned at 8:13 p.m. to the Tuesday, August 11, 2015 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room 241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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

(Approved 9-15-2015)