

**Albemarle County Planning Commission
Final Minutes December 12, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 12, 2023, at 6:00 p.m.

Members attending were: Fred Missel, Vice-Chair; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray.

Members absent: Corey Clayborne, Chair; Luis Carrazana.

Other officials present were: Kevin McDermott, Deputy Director Planning; Rebecca Ragsdale; Andy Herrick, County Attorney's Office; Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

There were no items scheduled on the Consent Agenda.

Public Hearings

SP202300012 Kenridge Landscaping Amendment

Planning Manager Rebecca Ragsdale said that she would be presenting information regarding a special use permit amendment that pertained to only one specific condition. She said that she would provide some background information and then discuss the details of the condition amendment. She said that this was related to the Kenridge project, a residential development situated between Boxwood Estate and White Gables, across from Birdwood on 250 West. She said that this area of the County, where White Gables, Kenridge, and Boxwood are located, was zoned commercial. She said that the general area included Birdwood and further down, Boar's Head. She noted that the bright green areas along the property perimeter were subject to this special use permit amendment, which focused solely on landscaping.

Ms. Ragsdale said that the applicant had provided an updated concept plan, available in the Commission packet, detailing general buffer areas, depth, and species information. She explained that this special use permit aimed to make the landscape more workable and flexible based on experience since its original approval several years ago. She said that the proposal focused on the perimeter landscaping condition, which had been reworded to be consistent with modern language, easier to administer, and concentrated on the location and width of buffers rather than specific species. She said that the revised condition considered the characteristics of the buffers and screening, such as whether it was a single row or a double staggered row in certain locations. She said that this revision was based on the applicant's detailed experience and report, which highlighted the need for flexibility in maintaining healthy buffers while ensuring proper screening.

Ms. Ragsdale said that the updated condition did not remove any major elements but provided a more adaptable approach that benefited both the applicant and administration. She said that staff supported this landscaping amendment due to its narrowly focused special use permit condition. She said that there was no community meeting held, but they received inquiries from adjacent property owners regarding maintenance responsibilities. She said that this amendment established requirements for landscape changes, which would be subject to a site plan amendment under the zoning that runs with the land. She said that the private agreements between White Gables adjacent property owners would not be affected.

Mr. Bivins said that in the previous document, it stated that they would have a sprinkler system. He said that however, in this document, it mentioned there would be no sprinkler system. He said that he was also seeking clarification from the applicant regarding how these plants would survive without a sprinkler system or if they would not have one and who would be responsible for maintaining that. He asked whether they had received any input from those residing in Boxwood Estate on the eastern side, which appeared to have numerous vacant areas or dead plantings based on the images shared.

Ms. Ragsdale said that they received communication from them before submission, and they were included in the abutting owner notification process. She said that no concerns had been expressed.

Mr. Bivins asked if there were no concerns from people in the west.

Ms. Ragsdale said that was correct.

Mr. Missel asked if there were any further questions from the Commission. Seeing none, he opened the public hearing and asked the applicant if they had a presentation.

Scott Collins stated that he was representing the Kenridge Homeowners Association for this special use permit application. He said that they had attempted to outline the history of this project and provide all relevant information in their narrative. He said that this process has been somewhat simple for him as it was one of the first projects he worked on when he started working in Albemarle County back in 2005 and 2006, allowing him to witness the entire evolution of Kenridge. He said that he remembered many elements from that time and what was going on when the project was approved. He said that originally, the buffer landscaping plan was developed by a local architect and landscape architect, Charles Stick. He said that he did an excellent job in conceptualizing how the buffering should be implemented.

Mr. Collins said that as the special use permit process progressed, it became apparent that Kenridge would be an infill development surrounded by several established neighborhoods. He said that the project faced significant concerns during its construction phase. He said that as the special use permit was being reviewed and approved, the buffer tree plantings expanded, and their spacing became more compact. He said that the project had an intense construction buffering system that proved effective for nearly 15 to 20 years. He said that this buffering helped screen the project from nearby neighborhoods during the construction process.

Mr. Collins said that however, as time passed, a transition occurred from construction to viability, revealing issues with the approved design. He said that the spacing was too tight, and the specified tree species were not well-suited for the site's topography, leading to disease, root problems, and the loss of many trees due to weather and storms. He said that this caused a significant degradation of the existing buffer.

Mr. Collins said that instead of returning to plant some replanting, which would not be the correct approach, they had attempted to examine this project and determine what should actually be done. He said that they proposed going back to the original buffer exhibit that was prepared at the beginning of this project in 2005 and attempt to conform to it if someone wished to change the landscaping on their property or replace it, and that was their primary focus tonight.

Mr. Collins said that another notable aspect of this neighborhood, which differed from recent projects they may have seen frequently, was the absence of any common open space. He said that there was not much common open space in the area. He said that all their lots run up to the property lines, which meant that landscaping buffering occurred on individual lots. He said that many people might argue that if the landscaping was on someone's personal property, they owned it and were responsible for maintaining, but in fact, with Homeowners Associations there were covenants, restrictions, and guidelines in place.

Mr. Collins said that landscaping was a significant aspect of these rules in Kenridge. He said that residents could not plant anything they desired; they must have their plans reviewed and approved by the HOA. He said that the HOA was attempting to present a viable landscape plan approved by the Planning Commission and ultimately the Board of Supervisors that could be implemented in a way that worked and gave residents some flexibility regarding the existing terrain, which varied from lot to lot. He said that the HOA oversees the landscaping itself; it was ultimately controlled by the HOA and would be implemented accordingly.

Mr. Collins said that over a period of four or five months, they had reviewed various plans and concepts with the neighborhood through the HOA Board and Homeowners Association meetings to ensure that residents were supportive and understood the implications. He said that if they did not wish to implement these changes, they could maintain their current situation if the Leland Cypress buffer still existed on their property, and if it did not, they must conform to the new plan. He said that as for irrigation, they were considering species native to Virginia to minimize the need for such systems.

Mr. Collins explained that irrigation was primarily set up for construction purposes, ensuring that the 10- to 12-foot-high Leland cypresses planted at the beginning of the construction would survive and grow. He said that that was the main reason for installing the underground sprinkler system, which had not been active for approximately 12 years, since the construction stopped.

Mr. Collins said that because of this, the removal of the underground sprinkler system was necessary. He added that the HOA Board had communicated with both White Gables and Boxwood Estates neighbors regarding this matter. He said that they would continue to maintain constant communication with them as they worked through the process and implemented the changes.

Mr. Murray said that he noticed in the provided list of evergreens, there were no native species listed, other than magnolia, which he assumed referred to southern magnolia. He said that his suggestion would be to also include red cedar, white cedar, and magnolia virginiana for appropriate sites.

Mr. Collins said absolutely.

Mr. Missel asked if there were any further questions from the Commission for the applicant. Seeing none, he opened the public comment for the public hearing.

Paul Sullivan said that he was a resident of Kenridge and the president of the HOA. He thanked the Planning Commission for their attention and consideration of their proposal. He said that he

had been living in Kenridge since 2009 and cherished their community. He said that it was a small neighborhood, and he emphasized that property owners were invested in its appearance. He said that the area had a dense backdrop with White Gables on one side and Boxwood on the other side, and of course Route 250.

Mr. Sullivan said that the initial plan was developed when the zoning was commercial, and the building was not working. He said that they hired Mr. Collins and collaborated with him to create a more suitable solution. He said that it was worth mentioning that some lots in their community had varying topography, with significant differences in sun exposure. He noted that a majority of the trees, approximately 80%, were on private property.

Mr. Sullivan said that to make any changes or additions in accordance with the County's special use permit, they must be approved by their Homeowners Association review board. He said that as the governing body of Kenridge, they approved it and the residents had to follow it. He said that this community effort had been beneficial for their relationships with neighbors, as many things had changed over the past few years. He said that he appreciated the Planning Commission's help they had given to them.

Cindy Hewitt stated that she and her husband owned Boxwood Estate next to Kenridge. She said that it was a wonderful community. She said that unfortunately for herself, the original Charles Stick plan called for a continuous evergreen hedge of Leland cypresses on both sides of Kenridge. She said that it did not specify how far apart they should be planted or how many trees were needed, nor their size. She said that over the past two years, 66 of these large trees had been removed. She said that some were leaning, some were diseased, but she was certain that not all 66 were in such poor condition. She said that she understood the desire to change and acknowledged that there were different hillsides and topographies, with some receiving more sunlight than others.

Ms. Hewitt said that her primary concern was the trees being replanted, as they had collaborated with Kenridge and provided what they believed were reasonable compromises for making changes. She said that they managed to come up with some compromises, such as fewer trees, farther apart, and not as tall. She said that her concern was about the fact that they would be evergreen trees. She said that the original plan did call for deciduous trees in front of the Leyland cypress, which were never planted; however, the original plan did include this detail. She said that her concern was that the trees they were going to plant would not be sufficient.

Ms. Hewitt said that what she believed they were calling for was eight- to 10-foot trees in the plan. She said that this was acceptable, but some of those already replanted in sections 57 and 58 were emerald-green arborvitae, which did not grow more than 12 feet tall or four feet wide, and currently they were about five feet tall. She said that she believed that this did not meet the agreement's requirements. She said that if they increased the spacing and decreased the size of the tree, they must consider the species to still provide screening.

Doug Brooks stated that he was the managing agent for White Gables Condominium Unit Owners Association. He said that they were a neighboring development on the eastern boundary of Kenridge referred to as Buffer Area 3 in the application. He said that the nature of their condominium consisted of 30 units, half of which faced the rear of their buildings, immediately adjacent to the property on which Kenridge was located. He said that the buffer area in question served as a front yard for these homes within their community. He said that they had an existing agreement signed by the developers of both neighborhoods that ran with the land, whereby Kenridge HOA was responsible for maintaining plant screening between their properties.

Mr. Brooks said that the current boards of Kenridge and White Gable were not around when the original agreement was signed nor when the developer of Kenridge planted this line of Leyland cypresses along this shady, narrow area. He said that this planting essentially doomed the trees to becoming too tall, too crowded, fragile, and mostly unattractive. He said that regarding this application, White Gables supported and applauded Kenridge for incorporating very sound and acceptable plans and alternative plantings to replace the Leylands. He said that they truly appreciated the concepts and looked forward to collaborating with Mr. Sullivan and Kenridge to align their respective planning projects.

Mr. Brooks said that as previously mentioned via email, their sole concern was regarding the language in the application before gaining a clearer understanding from Commission staff, and he thanked Ms. Ragsdale. He said that the wording in the narrative, as they read it, appeared more focused on the applicant providing a detailed description of the design rather than establishing a legal foundation that could lead to various issues with other agreements and so forth. He said that they now felt confident in their improved comprehension of the narrative's meaning.

Mr. Brooks said that in conclusion, he wanted to thank the staff and Commission for their patience and assistance during their review of the application. He said that he also wanted to thank Kenridge for proposing an outstanding design, as Scott Collins was a highly skilled engineer who had delivered exceptional work. He said that they fully embraced all these aspects. He said that in closing, they wished to reiterate their understanding for the record, which was that the narrative accompanying the application did not establish any responsibilities or anything that could impact their existing recorded agreement.

Mr. Missel asked the applicant to present any responses to public comment and closing remarks.

Mr. Collins said that he would clarify one point regarding the landscaping along the Boxwood property line. He said that the reinstallation was completed prior to their involvement in this process. He said that it was initiated by the homeowners as an understanding that the existing trees had been taken down or had died, and they needed to replace them. He said that they were engaged to organize everyone involved and bring the project back on track. He said that their intention was to plant eight- to 10-foot trees along the property line, as specified in the plans, with a focus on evergreen plantings for their durability and suitability in that area.

Mr. Bivins said that he was in favor of the initiative and hoped that the property to the west could work closely with Kenridge to ensure that their development plans met the necessary criteria. He said that these plans should not only replace what was there previously but also provide adequate buffer zones as initially planned in the early to mid-2000s. He reiterated that he was supportive of the application.

Ms. Firehock said that she wanted to commend the applicant for actually taking control of the situation and attempting to create a cohesive plan. She apologized that it stated in the narrative that somehow it was transformed into being only Leyland Cyprus. She said that she would like, for the benefit of the public, to read a note from the United States Extension Service about Leyland cypress. She said that they were often added as landscape screens in development projects because they were considered relatively pest-free. She said that however, due to their relatively shallow root system and being planted too close together in poorly drained soils, they were prone to root rot and severe damaging canker diseases, particularly during periods of prolonged drought, such as the one they were currently experiencing.

Ms. Firehock said that she did not subscribe to the idea of it ever being the sole type of vegetation for screening and was strongly in favor of incorporating hardwoods and various species. She said

that certainly, native plants were great, and she trusted them to provide the right kind of consulting. She said that in general, she hoped they would not see future proposals that only included Leyland cypress, as it was not a good choice for long-term use. She said that they often died, and they could not police all landscape buffers effectively. She said that consequently, they may fail without their knowledge. She said that with this in mind, she was supportive of the proposal, which was straightforward and well-presented.

Ms. Firehock motioned to recommend approval of SP202300012 Kenridge Landscaping Amendment for the reasons stated in the staff report. The motion passed unanimously (5-0). (Mr. Carrazana and Mr. Clayborne were absent).

Adjournment

At 8:32 p.m., the Commission adjourned to December 19, 2023, Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium.



Kevin McDermott, Deputy Director Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 01/23/2024
Initials: CSS