



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202300006 ArborLife Professional Tree Care Landscape Contractor	<b>Staff:</b> Kevin McCollum, Senior Planner II
<b>Planning Commission Public Hearing:</b> January 23, 2024	<b>Board of Supervisors Hearing:</b> To be scheduled
<b>Owner:</b> Roger L. Baber	<b>Applicant:</b> Monica Madison and Roger Baber, representatives of ArborLife Professional Tree Care
<b>Acreage:</b> 4.02 acres	<b>Special Use Permit:</b> Section 18-10.2.2 Landscape Contractor
<b>TMP:</b> 07100-00-00-037K0 <b>Location:</b> 163 Patterson Mill Ln	<b>By-right use:</b> RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> Samuel Miller	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> A landscape contractor that would utilize an existing building on the site for arboriculture industry equipment and would have on site storage areas for vehicles, equipment, wood chips, mulch, and larger wood material before transport.	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 3 in the Comprehensive Plan.
<b>DA (Development Area):</b> N/A	<b>Requested # of Dwelling Units:</b> 0
<b>Character of Property:</b> The subject property includes an existing metal farm building with a surrounding gravel parking area. There is an existing fence along Patterson Mill Ln.	<b>Use of Surrounding Properties:</b> The surrounding area is zoned Rural Areas. Directly across the street is a 14.25-acre parcel that is used for storage of materials and equipment utilized by VDOT for maintenance of roadways. Along the rear of the subject property is Interstate 64. To the east along Patterson Mill Ln. are some residential properties.
<b>Positive Aspects:</b> 1. The proposed use is consistent with the Comprehensive Plan 2. No detrimental impacts to adjoining properties are anticipated.	<b>Concerns:</b> 1. None.
<b>Recommendation:</b> Staff recommends approval of SP202300006 ArborLife Professional Tree Care with conditions.	

**STAFF PERSON:** Kevin McCollum, Senior Planner II  
**PLANNING COMMISSION:** January 23, 2024  
**BOARD OF SUPERVISORS:** To be scheduled

**PETITION:**

PROJECT: SP202300006 ArborLife Professional Tree Care

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 07100-00-00-037K0

LOCATION: 163 Patterson Mill Ln

PROPOSAL: Special use permit for a landscape contractor

PETITION: A request for a special use permit under Section 18-10.2.2 for a landscape contractor on a 4.02 acre lot in the Rural Areas. The site has an existing building and would house equipment utilized in the arboriculture industry as well as have on site storage area for wood chips, mulch, and a staging area for larger wood material before transport.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: None

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) in Rural Area 3 in the Comprehensive Plan.

**CHARACTER OF SURROUNDING AREA:**

The subject property is located at 163 Patterson Mill Ln. Located directly across the street from the property is 164 Patterson Mill Ln, a 14.25-acre Commonwealth of Virginia owned property that is used for storage of materials and equipment utilized by VDOT for maintenance of roadways. Along the rear of the subject property is Interstate 64. The property is screened from I-64 by on-site and off-site landscaping. To the east along Patterson Mill Ln are some residential properties. The subject property and all of the surrounding properties are zoned Rural Areas.

**PLANNING AND ZONING HISTORY:**

B202202936FBZ- A farm building permit application issued September 15, 2022 for the building that now exists on the property.

WPO202300018- A Virginia Stormwater Management Program (VSMP) plan to allow fill on the property was approved on March 24, 2023. Prior incremental disturbance of the site had occurred. However, the disturbance was below the threshold of 10,000 square feet to require a VSMP application and outside the limits of the approved WPO plan for fill. Engineering is recommending a condition of approval of the special use permit to require a VSMP application that addresses all prior site disturbance.

CLE202300047- A Zoning Clearance application was submitted for a landscape contractor use. Since landscape contractors are permitted only by special use permit in the Rural Areas, this Clearance cannot be approved until the special use permit is approved, a site development plan is approved, and special use permit conditions are met.

**DETAILS OF THE PROPOSAL:**

The proposal is for a landscape contractor on a 4.02-acre lot in the Rural Areas. The proposed landscape contractor business would utilize an existing building on the site to house arboriculture industry equipment and would have on site storage areas for vehicles, equipment, wood chips, mulch, and larger wood material. The applicant has provided a detailed project narrative (Attachment 2) and conceptual plan showing existing conditions and the proposed site layout (Attachment 3).

## **COMMUNITY MEETING:**

The required community meeting for the proposal was held at Western Albemarle High School on Tuesday, August 15, 2023, at 6:00pm. The applicant shared details and answered questions regarding the proposal to the members of the public who were present. Overall, the community had few concerns and generally supported the proposal.

## **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

***Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:***

***1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

Based on the Applicant's detailed application narrative and proposed concept plan, Staff believes the proposed landscape contractor will not be a substantial detriment to adjacent parcels. The location will not have a high volume of daily traffic, as employees typically work off site during the day. The materials and equipment that will be stored on site will be screened from view either by existing vegetation or vegetation that will be required during the site planning process. Noise impacts will be minimal, the Applicant has indicated that no mulching will occur on site.

Given the industrial characteristics of the use, Staff believes provisions in the ordinance that would apply to an industrial use when it abuts a residential lot line should apply and include:

- A building setback of 50'
- No portion of any off-street parking space shall be located closer than 30 feet
- A 30' use buffer and screening

All uses with an industrial character, regardless of the zoning district, are required to submit to the County Engineer a Certified Engineer's Report. This report must describe in detail the proposed operation, all machines, processes, products, and by-products. This report will be reviewed and approved by the County Engineer in to assure compliance with section 4.14 of the Zoning Ordinance, regarding performance standards for noise, vibration, glare, and air & water pollution prior to the use commencing on the site.

The proposed concept plan demonstrates that compliance with these sections of the ordinance is feasible, and staff recommends a condition of approval that includes these standards.

***2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.***

Given the character of the surrounding area described above, including the existing VDOT materials and equipment storage yard across the street from the subject property, and the project narrative describing the typical day-to-day activities that will occur on site, Staff believes the proposed landscape contractor will not change the existing character of the nearby area.

***3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,***

The proposed landscape contractor is in harmony with the purpose and intent of the Zoning Ordinance.

***with the uses permitted by right in the district,***

The proposed landscape contractor would not affect by-right uses in the district on this property or adjacent properties.

***with the regulations provided in Section 5 as applicable,***

There are no applicable supplemental regulations from Section 5 that apply.

***and with the public health, safety, and general welfare.***

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that the proposed use is appropriate in the location requested. Community Development Staff and our partner agencies including Planning, Zoning, Engineering, Building Inspections, VDOT, Fire-Rescue, and Virginia Department of Health (VDH) have all reviewed this application. These reviewers have either no concerns in general with the use, or have provided comments that must be addressed following approval of this special use permit application with a site development plan or building permit.

The existing building on the site was constructed as a farm building and there is currently no well and septic on the property. Comments from VDH and Building Inspections are attached (Attachments 4 and 5). As indicated in the Building Inspections comments, with the proposed change in use, a bathroom is required for employees. A building permit will be required and code compliance confirmed at that time. While the applicant has asked VDH what options other than well and septic exist, staff believes that the use should be served by a septic system and drainfield. Staff has recommended potential draft conditions of approval that address these concerns.

If the special use permit is approved, the use cannot commence without the appropriate approvals from all applicable reviewers. Necessary applications include: site development plans, building permits, and zoning clearances. These processes will ensure that all state and county regulations, special use permit conditions, and all necessary building and fire inspections have been passed before the landscape contractor can commence use.

**4. *Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.***

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject property for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also to allow residential uses at a density of up to 0.5 acres per dwelling unit.

The Application is consistent with the Comprehensive Plan's goals for the Rural Area. Specifically, the application supports a strong agricultural and forestal economy (Objective 1) by providing arboriculture and landscaping services to the nearby community. The proposal is for a landscape contractor use which was added to the Zoning Ordinance by a Zoning Text Amendment (ZTA202200002) approved by the Board of Supervisors on September 2, 2020. This use is identified in the Comprehensive Plan as Strategy 1j.

## **SUMMARY:**

### **Positive Aspects:**

1. The proposed use is consistent with the Comprehensive Plan
2. No detrimental impacts to adjoining properties are anticipated.

**Staff has no concerns with this request.**

## **RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends approval of the special use permit application SP202300006 ArborLife Professional Tree Care with the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled "SP202300006 Concept Plan for ArborLife Professional Tree Care" drawn by Meridian Planning Group, last revised November 16, 2023. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
  - a. Location of buildings;
  - b. Location of parking areas;
  - c. Location of storage areas;Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Development of the site must comply with a minimum 50-foot setback for structures and must comply with the use buffer requirements of County Code §18-26.5.c. along the property line to the south with Parcel ID 07100-00-00-037J0.
3. Prior to final site plan approval, the review and approval of a permanent on-site sewage disposal system by the Virginia Department of Health. The use of portable toilets and pump and haul are prohibited.
4. Prior to final site plan approval, approval of a VSMP plan to address all prior or proposed land disturbance.

## **RECOMMENDED MOTIONS**

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202300006 ArborLife Professional Tree Care with the conditions as provided in the staff report.

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202300006 ArborLife Professional Tree Care. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

## **ATTACHMENTS**

Attachment 1 – Existing Conditions and Context Map  
Attachment 2 – Application Narrative  
Attachment 3 – Concept Plan  
Attachment 4 – Virginia Department of Health (VDH) Comments  
Attachment 5 – Building Inspections Comments