

Albemarle County Planning Commission
August 23 2016

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 23, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Pam Riley, Jennie More, Daphne Spain, Tim Keller, Chair; Karen Firehock, Vice Chair and Bill Palmer, UVA representative. Members absent were Bruce Dotson. Ms. Firehock arrived at 6:08 p.m.

Other officials present were Rebecca Ragsdale, Senior Planner; Scott Clark, Senior Planner; John Anderson, Engineer; J.T. Newberry, Senior Planner, Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:02 p.m. and established a quorum.

c. SP-2016-00010 Cornerstone Community Church Addition (Sign 105)

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000031D0

LOCATION: 2001 Earlysville Rd PROPOSAL: Expansion of existing church from 180 to 250 seats.

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. No dwellings proposed. 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)

Mr. Keller complemented staff on this clear delineation of the changes from the prior special use permits, and he thinks the underlining of what is going out using basically the track changes and the red marks to see what has been added is really a helpful technique.

Mr. Clark summarized the staff report for SP-2016-00010 Cornerstone Community Church Addition in a PowerPoint presentation.

This is a special use permit request for an existing church. The proposal is to expand an existing church from 180 to 250 seats. This is a church that predates the zoning requirement for a special use permit for a church and so it is an existing nonconforming church that needs a special use permit in order to expand and come into compliance with the current ordinance.

The location of the church is right by the South Fork Rivanna Reservoir east of the Earlysville Road Bridge or the reservoir. He pointed out the reservoir natural area on the map and you can see the development area is nearby. The next slide is an aerial view of the church showing the existing building and parking lot and the proximity of the reservoir. This gives a better idea of the building and some of the improvements on the site. The aerial shows the existing tapering right turn lane at the entrance, the existing building improvements on the site and the parking, which is partially paved at the upper end and unpaved at the lower end near the edge of the reservoir.

In summary, the details of the proposal are:

- The increase seating at the existing, non-conforming church from 180 to 250;
- Increasing the building footprint from about 6,250 square feet to approximately 10,500 square feet;
- Within that the interior space would increase from about 9,000 square feet to 17,800 square feet of internal space (including additional basement space);
- Enlarge parking area from approximately 46 spaces (including unpaved and unmarked area) to 97 paved spaces, and
- Disturb 0.24 acres of vegetated stream buffer area adjacent to the reservoir and part of that disturbance would be to add biofilters for water-quality management.

On the conceptual plan for the changes Mr. Clark pointed out the light gray in the center is the existing outline of the building; the dark line is showing the expansion outward of the building and then the new paved parking added lower on the hill and along the entrance road closer to the entrance. He pointed out the resulting proposed tree lines and then a good part of the area where all of those tree lines are going back closer to the reservoir the bio filters are shown for storm water management. Obviously, that would be developed in a lot more detail if this is approved under the site development plan for the use.

Stream Buffer

One of the big questions with this obviously is the impacts of the stream buffer.

- The majority of the site is the only Water Protection Ordinance stream buffer as shown on the map in the blue cross hatching. Very little of the site is not in that buffer area.
- The building predates the adoption of Water Protection Ordinance and is permitted as a pre-existing building.
- The Zoning Ordinance specifies that non-conforming structures, whose building site does not conform with zoning requirements, that if they are only non-conforming because of the stream buffer then they can't expand. There is no flood plain or critical slopes on this building site. It is just a stream buffer issue and so Section 18-4.2(a) says that those structures can in fact expand, which is why we are able to consider this special use permit for an expansion.

This approval would bring an existing church into conformity with the Zoning Ordinance and allow this proposed expansion. The building and parking would obviously expand outward and so it will remain in general in the same area of the site and not go a lot closer to other adjacent properties in the area. So staff is not expecting substantial

detriment to the adjacent residential lots. The other adjacent lot here, which is unusual, is sitting on the South Fork Reservoir. While the site would expand parking and the building towards that reservoir about a quarter of an acre of the existing buffer will be disturbed a good part of that disturbance would allow for bio filters to capture a lot of the runoff from the site, which is not happening now and would attempt to improve the water quality and how the site affects the reservoir.

Another concern that came up during the review at the public meeting on the site was road safety on Earlysville Road. There have been a fair number of crashes. In 2013 to 2015 there were fourteen crashes within a half-mile of the site. However, most of those happened either across the reservoir on the other side near the entrance to the Ivy Creek Natural Area, which some of you may notice is sort of an abrupt turn in the middle of a curb that is kind of dangerous or fairly farther north of the site near Arrowhead Road. VDOT staff has told us that they performed a safety study of Earlysville Road this year and found the crash and injury rate to be less than the District average. So while we recognize there are policy concerns with an expansion of a use on a rural road that the site here is on a road that is not atypical for safety problems in the rural areas.

VDOT has also looked at the applicant's proposed plan and whether or not a left turn lane is warranted. Obviously, there is already an existing right turn lane. Given the trip generation for the site in its review it indicates that a left-turn lane is not warranted for the proposed expansion although future larger expansions or significant amount of increases of traffic on Earlysville Road might make that necessary. Any expansion of the church for seating capacity beyond 250 would require a special use permit amendment if it was shown they could address the need for a left turn lane if they decided to do a future expansion.

Just to summarize, staff has identified the following factors favorable to this proposal:

1. While there is an expansion of the impervious area on the site we would be gaining water-quality protection measures that are not there now.
2. While there are transportation concerns as always with expansion of uses in the rural areas Virginia Department of Transportation (VDOT) has not found that entrance improvements or a left-turn lane are not warranted by the current proposal.

Staff has identified no factors unfavorable to this proposal.

Mr. Clark reviewed the proposed conditions and the motions. He mentioned that John Anderson from our engineering staff and Adam Moore from VDOT are here if there are any questions on their reviews of the stream buffer in John's case or the transportation issues in Adam's.

Staff is recommending approval of SP-2016-00010 Cornerstone Community Church with 6 conditions.

1. Development and use shall be in general accord with the conceptual plan titled "Cornerstone Community Church Addition – Application Plan" prepared by Timmons Groups and dated 7/27/2016 (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 size

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

2. The area of assembly shall be limited to a maximum 250-seat sanctuary.
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 Virginia Department of Health approval of well and/or septic system prior to approval of the final site plan.
5. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval. (Mr. Clark pointed out there were a few mentions at the community meeting concerns about lighting and this condition would address that.)
6. If the use, structure, or activity for which this special use permit is issued is not commenced by [date three years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate

Mr. Clark said he would be happy to take any questions.

Ms. Firehock noted she had questions, but they probably should be addressed to the applicant's engineer so she will just wait.

Ms. Riley asked if any trees would be removed in the vegetative buffer. She knows there is a very limited amount of trees there and they are providing a very good visual buffer as well.

Mr. Clark pointed out in the photos that there are trees near the water line up to the edge of the unpaved parking area on the site as it exists now. So on the conceptual plan there are two tree lines shown, the outer one closest to the parking is where the existing trees are now approximately and the line down here is the one that shows the resulting tree line. So yes, there would be some trees removed to accommodate the building expansion and the parking, but also to fit in the storm water measures.

Mr. Lafferty asked will this bring them into conformity.

Mr. Clark replied yes, they can continue to operate at their current size indefinitely as long as they don't expand the use in any way. But, were it to expand seating, building size, parking and anything like that they would have to amend the permit as they are doing now and were becoming in conformity with the ordinance as we do that.

Mr. Keller opened the public hearing and invited the applicant to come forward to speak.

Craig Kotarski, with Timmons Group representing the applicant Monticello Wesleyan Church, said he was also joined by Tony Savon the lead pastor of Cornerstone Community Church as well as the architect Steve Davis with Thrive Architecture. What he would like to do is quickly give a brief overview and hopefully answer some of the questions that Ms. Firehock was going to ask as well as maybe shed a little light on Ms. Riley's comment with regards to the trees.

Mr. Kotarski presented a PowerPoint Presentation. He pointed out that the first slide is just basically giving you another shot of the existing church in its current location where they have 180 seats and as already was reported by the planner that the application is to increase the number of seats in the sanctuary from 180 to 250. Again, just to provide a little bit of an overview where we are situated along Earlysville Road he noted this picture depicts the addition. You can see where the lighter color shade of tan is. Next is the existing building with the darker shade representing the addition?

What he would like to draw their attention to on the tree comment is if you see where you are coming in off of Earlysville Road at the top of the page there are some circles with some lines drawn that are a little bit darker. Those represent some additional trees that would bring us into conformance with the county's ordinance with regards to the buffers as far as landscape buffer and providing separation from the existing street and then we still meet that requirements which he believes is 20' over where the bio retention areas are demonstrated on the west side of the plan. Hopefully to demonstrate a little bit clearer where the impacts are in regards to the BPO buffer and what they are for what he is trying to demonstrate with this slide is show where the additional impacts are that are really more site related. Either there is some parking being shown or some grading that is associated with the parking. You also see that he is including those trees up on the north end of the site as well as a part of that. This in total is around 8,000 square feet or about .2 acres of additional impacts there. Then when we add in the areas that we are showing for bio-retention that bumps up slightly and it is about 7,000.

He wants to address one of the things that Mr. Clark reported was an additional .24 acres of impact in the WPO buffer, and it is actually 0.33 acres. The discrepancy there is that area on the north end, which is just within the 200' buffer. So that piece was not in Mr. Clark's report and he just wanted to make sure clear that was clear as the Commission looks at this.

The other thing that he just wanted to note with regards to this is on the current church's parking lot there is only 46 to maybe 50 designated parking spaces and then a lot of it is

large amounts of gravel and some asphalt that is scattered around. What we are looking to do is sort of make that a little bit more streamlined and make that where it is a little bit more efficiently done in such a way that they are getting the most for the impervious surface that is currently on the site and then that we are added. So currently on the site the impervious surface makes up 0.82 acres and the proposed site would have 1.02 acres. About one-half of that is building and then about the other half is additional parking. In general that is his presentation, but he was happy to answer any questions.

Ms. Firehock asked what the elevation of the bio filters above the mean water line of the reservoir is. She was trying to understand if there was chance of them getting inundated.

Mr. Kotarski replied that they were outside of the 100-year floodplain so they are above that. But, from where the water line is looking at the contours it is approximately 10' to 14' above.

Ms. Firehock said above the 100-year, okay.

Mr. Kotarski replied no, it was 10' to 14' above the average.

Ms. Firehock said she was trying to look at the aerial photo, but had been out that way many times since she used to live in Earlysville. She was trying to understand just looking at the photograph or the aerial how many trees might be removed to put in the bio-swales. It looks a little patchy there. She can see some open space and some trees.

Mr. Kotarski said there are some open spaces. Some of the trees there are not necessarily in the greatest shape. But, he did not want to oversell that. However, he wanted to demonstrate that our intent is to come back those are not to be just grass bio-filters; they are to be vegetative either with grasses or some combination of grasses, trees and appropriate plantings that you would see in a well working bio-retention facility.

Ms. Riley asked can you describe along the road and along the reservoir what the impact is going to be on the visual buffer with the amount of vegetation you will need to remove and what you intend to replace it.

Mr. Kotarski replied that along the road there are he believes 3 or 4 trees that are being removed. Again, some of them are smaller in nature and we are coming back he believed it was a total of 20 trees up on Earlysville Road to provide that buffer and actually he thinks enhance a little bit more than what is there currently. Additionally over where the bio-filters are shown we are proposing to trim back that tree line some. We are maintaining the buffers that are spelled out in the county ordinance, which is maintaining at a minimum of 20' off of the property line. Some of the trees that are shown on that aerial actually are on the other side of the property line as well. So there is even additional buffer there based on that. The intent would be to come back along

with this and also use some plantings and trees. He is not a landscape architect so he won't start to put that on you. But, as far as what goes in and what is planted in those bio-retention facilities we would have a landscape architect look at that and there would be additional trees that would come back and be planted there.

Mr. Keller said it was nice to have a plan view that shows the vegetative changes; but, it would really be nice to have that real photograph what is coming off of the vegetation, that sort of bird's eye view. From looking at this my sense because it is the higher elevation is that the parking area and the church is going to be much more visible when someone is coming down before going over the bridge and even a quarter of a mile further up. Given the constraints of the site and the predating of the various regulations that we have for this site it seems that we are a bit boxed in by how far we can go with it, and staff has worked to get us to as far we can.

Ms. Firehock noted in response to that the applicant did say that he was not going to pretend to be a landscape architect but that he knows that you can design bio-filters with mature trees in them. A great example is at the high school on Route 20 south where the bio-filters are planted with mature trees that are doing fantastically well. So you can design bio-filters with small shrubby things. However, since we are losing some trees she would encourage the applicant to ask the landscape architect to include trees that will grow to a mature height and replace some of the functionality that would not be met by simply planting dogwood or some shrubby wispy thing in there.

Mr. Keller noted as a landscape architect he would say that the issues to me come down to the number of parking places that were required. We all know if we took several of those parking spaces along the way we could also get a tree cover, and then we could have tree cover for the parking. But, he was assuming that we are working under a requirement for the number of spaces based on the congregation size.

Mr. Clark replied not exactly. He pointed out in rural area churches when we do the special use permits rather than going by a hard number as we might in development areas we tend to ask the applicants to do a parking study to figure out what they need. The 97 spaces on this site is probably a bit more than the minimum number we might normally hope to get; but, the statement from the applicant said they need that number because they have some occasional coordination events that are larger. Especially on a site like this where there is no surrounding neighborhood to absorb overflow parking they needed to have this number to accommodate for the bigger events of the year.

Ms. Firehock said one thing she also could not tell was whether all of the spaces are uniform or have we varied the spacing for the smaller cars since not everyone drives a giant truck. She was just wondering because you could actually get a lot more spaces in smaller area by varying the spacing sizes for each parking spot.

Mr. Clark pointed out the site plan ordinance requires 9' X 18' spaces.

Ms. Echols noted that there are some abilities to vary. However, she did not know if the applicant considered that because there are different sizes that can be done.

Mr. Kotarski pointed out as they are shown the parking spaces are all 9' X 18'. The handicap spaces are 8' X 18' both in accordance with the Code. We did look at some tandem parking up on the north end where the WPO buffer had already been infringed upon and we were told that due to the ordinance that we could not show those. So that is one reason why there are no tandem spaces. He explained that kind of the thought behind that being is if there is a family there that is serving and teaching a Sunday School class then maybe dad comes early and then mom would block his space in and that way they would work in that regard. But, those were removed from this plan. The one other thing he would bring up with regards to the parking is Mr. Clark sent us a few of the projects that recently had been approved kind of all in that same corridor as the applicant that we just saw before us. The one thing that you will notice on all of those is that even though they are necessarily in residential or rural area we can pull off on the side of the road they all have these long winding roads and the parking the way it is done in certain ways is a little bit less efficient. He was sure there are site reasons that you have required that. What he means by that is there may be a drive isle with parking only on one side or there may be situations like that where if you were in a situation where you needed that extra parking you would be able to pull to the side. We have all seen that in schools and other situations like that. On this site we really don't have any of those types of areas. We have one small one kind of at the southern tip of the site. But, outside of that we don't have those opportunities on this site particularly for where we are at and what the situation currently is here.

Ms. Firehock said she is still confused since staff mentioned that there is a possibility to vary the sizes of the spaces; but, that has not been done in this case. She was not saying that it would have automatically happened; but, is there any possibility to play with the size of the spaces to pull back on the amount of encroachment into the buffer.

Ms. Echols replied that she did not know the answer to the second part of that question. She has been looking at the County's Design Standards Manual and there are some different alternatives that might be able to be used to minimize the amount of disturbance. Staff has not looked at that so we can't fully answer that question right now; but, it is something that can be looked into.

Mr. Kotarski said one item that he knows they could possibly look at is on the west side, the side nearest the two bio-filter facilities that are shown, he believed the county ordinance will allow you to instead of building an 18' deep space build a 16' deep space allowing for the overhang. That is a potential opportunity to reduce some impervious surface and some of that encroachment pull the bio-retention facilities up a few feet and that sort of thing.

Ms. Firehock asked did you consider permeable pavement for any of these.

Mr. Kotarski replied that no, they did not consider permeable pavement because it is a steeper site. But, one of the things that we really want to be mindful of is the fact that we are right at the reservoir and so where do we place and how do we position any storm water treatment. We thought it was appropriate. One, to your point previously to

make sure that bio-retention facilities need to be kept out of the 100-year floodplain. That is one of the reasons for their location. But, then the other is instead of trying to put something say in the middle of the parking or do something underground we thought it was a lot more appropriate particularly to be a steward of this piece of property and its location to do something that would capture the storm water and work towards returning it back to a cleaner state before entering the reservoir. Currently there is nothing in that location that captures and filters the water in any way except for obviously the tree buffer that is around it.

Mr. Keller asked if there were any other questions for the applicant. There being none, he invited public comment. There being no public comment, the public hearing was closed and the matter before the Commission for discussion.

Ms. Firehock said she would just note she finds this site very frustrating. She really respect the church's need to try to accommodate their parishioners and continue to function. Also, we have not storm water management so she understands we would be getting some; but, they were also increasing the size of the impact. So we are not necessarily coming out ahead and we are taking out the tree buffer and putting in bio-filtration to replicate some of the function either the trees provide. So she does not know how she will vote; but, she just finds it really a frustrating site. She wished they would have gone a little farther perhaps with other techniques for mitigating storm water from the source such as she feels like they could have used permeable pavement on the actual parking spaces considering that it is outside of the 100-year floodplain. She can make her thoughts known, but she can't really require that since they have offered what they have offered.

Ms. Riley said they also tried to encourage them to look at the visual buffer in terms of mature tree replacement. Right now she thinks it is a really beautifully buffered site and in the future she would hope they would be able to continue when you are crossing that bridge not to necessarily be looking at cars in a parking lot.

Mr. Keller pointed out to do that they were going to have to add some trees within the parking area because of the elevation of that.

Ms. More said it seemed like a couple of things had been mentioned about changing the size of some of the parking spaces and Ms. Echols mentioned looking into that and maybe making these along where the potential bio-filters are to have those be shorter spaces. She asked are we hearing those as things that are actually going to happen or if we were to vote we are voting on what is in front of us. She said some of these seemed like really good suggestions.

Ms. Echols pointed out the Commission can recommend conditions. She noted that special use permits are different than rezonings in terms of what you can ask. In terms of rezonings an applicant if they are proffering something they have to be voluntarily offered. But, if there are conditions to mitigate impacts the Commission can impose conditions on a special use permit. What you could do is to recommend approval or whatever you want to do with certain changes taking place. The Commission may also

want to say you want these things to be explored and may want to have it come back to you or if you want it to go to the Board of Supervisors with some different conditions, you could do that, too.

Mr. Keller asked staff to put the actions up.

Ms. Firehock moved to recommend approval of SP-2016-00010 Cornerstone Community Church with the conditions outlined in the staff report, as amended that the applicant use as large trees as possible in the bio-filters; that they shorten the spaces alongside the buffer to pull back the amount of impact and encroachment into the buffer and that they also work with staff to recalculate the parking spaces across the site to determine whether or not they can further reduce impacts of the paved surface while still maintaining the same number of parking spaces and also to investigate the use of permeable pavement of which there are several different technologies available.

Ms. More seconded the motion.

Mr. Blair said if I may could we procedurally have a vote to add that as a condition to the special use permit (SUP) first and then if that is approved then you would vote on the special use permit.

Mr. Keller thanked Mr. Blair and asked for a motion.

Ms. Firehock asked if it was for a motion to what she just said.

Mr. Blair said it would be a motion to amend the special use permit (SUP) to include the condition you just stated.

Ms. Firehock asked if she did not have to state the conditions again since they had been recorded.

Mr. Blair asked did the clerk get the condition.

Mr. Keller asked Ms. Taylor if she got the conditions, and Ms. Taylor replied yes.

Ms. Firehock made a motion to amend SP-2016-00010 Cornerstone Community Church to include the conditions she stated previously.

Mr. Lafferty seconded the motion.

The motion passed by a vote of 6:0:1. (Dotson absent).

Mr. Keller pointed out now they have this added to the special use permit and now we need another motion.

Mr. Blair said it would be to make a motion to approve the amended special use permit (SUP).

Ms. Firehock made a motion to approve the amended SP-2016-00010 Cornerstone Community Church.

Ms. More seconded the motion.

The motion passed by a vote of 6:0:1 (Dotson absent).

Mr. Keller noted this request would be going forward to the Board of Supervisors for their consideration.