

**COUNTY OF ALBEMARLE  
TRANSMITTAL TO THE BOARD OF SUPERVISORS  
SUMMARY OF PLANNING COMMISSION ACTION**

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| <p><b>AGENDA TITLE:</b><br/>SP202100009 Natural Burial Ground at Panorama Farms</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b><br/>Request for cemetery uses on approximately 20-acres of a 706.40-acre parcel.</p> <p><b>SCHOOL DISTRICTS:</b><br/>Albemarle High, Jouett Middle, Broadus Wood Elementary schools</p> | <p><b>AGENDA DATE:</b><br/>September 15, 2021</p> <p><b>STAFF CONTACT(S):</b><br/>Filardo, Rapp, McDermott, Gleason</p> <p><b>PRESENTER(S):</b><br/>Mariah Gleason, Senior Planner II</p> |
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**BACKGROUND:**

A public hearing for special use permit SP202100009 was conducted by the Planning Commission at its meeting on July 6, 2021. The Commission voted unanimously (6-0) to recommend approval of SP202100009 with revisions to the conditions recommended by staff.

The Planning Commission’s staff report, action letter, and meeting minutes are attached (Attachments A, B, and C, respectively).

**DISCUSSION:**

During staff’s presentation, two corrections to the staff report were identified. The first acknowledged that there are four locations along Reas Ford Lane, leading to the subject property, where the travel-way width is less than 20 feet, not two areas, as the stated in the staff report. The second correction was to the conditional language offered by staff. This change was superseded by revised conditions recommended by the Commission.

Three members of the public spoke during the public comment portion of the meeting. Speakers primarily focused on concerns related to the impacts of this use on Reas Ford Lane, including the length of narrow road portions, erosion on private property, and the number of cemetery visitors utilizing the public road.

The Commission’s discussion on the special use permit covered many topics, such as the operation of the green cemetery (including site entrances, hours, attendance, and burial area density), how the proposed use would integrate with other special uses on the property, and aspects around Reas Ford Lane. The Commission also considered and discussed changes to the special use permit conditions recommended by staff. These changes included a request from the applicant to amend bullet point four (4) under Condition #1, to allow the 20-acre burial area to shift into the northern corner of the property, along Reas Ford Lane, if Virginia Code requirements are met. Additional changes included the specification of set hours for the maintenance and operation of the cemetery uses (Condition #2) and a revision to Condition #5 that expanded the restriction of plastics for memorials to include any non-biodegradables. This last revision, in particular, acknowledges the environmentally-oriented nature of the proposed green cemetery use and further enhances the favorable factors identified in the staff report.

The Commission voted unanimously to recommend approval of the proposed special use permit with revised conditions. The County Attorney’s Office and Community Development Department staff have further revised the conditions recommended by the Planning Commission to provide additional clarity and enforceability.

Iterations of the recommended conditions are provided below for ease of reference. (Strikethrough text indicates language that has been removed. Underlined text indicates language that has been added.)

**CONDITIONS INITIALLY RECOMMENDED BY STAFF**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plans titled “Green Cemetery Footprint – aerial – v 4.5” dated April 21,2021 and “Green Cemetery Parking and Pavilion – v 3.0 100ft scale” dated March 13, 2021. To be in general accord with the Conceptual Plans, development must reflect the following essential major elements:
  - Burial areas

- Parking areas
- Potential future pavilion location
- A 250-foot setback of the burial areas from the dwelling unit on TMP 31-21E.

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

2. Maintenance and operation, including the digging of graves, of the cemetery is restricted to day light hours only.
3. Burial services cannot be scheduled to occur at the same time as special events associated with SP201100027.
4. Only biodegradable materials may be interred into the ground during burials. Non-biodegradable materials include embalming fluids, non-biodegradable caskets, and concrete vaults.
5. No plastic memorials are permitted.
6. No individual grave will be marked by a fixed, upright marker, monument, or other structure.
7. The footprint of the pavilion structure will not exceed 2,000 square feet.

#### CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plans titled "Green Cemetery Footprint – aerial – v 4.5" dated April 21,2021 and "Green Cemetery Parking and Pavilion – v 3.0 100ft scale" dated March 13, 2021. To be in general accord with the Conceptual Plans, development must reflect the following essential major elements:
  - Burial areas
  - Parking areas
  - Potential future pavilion location
  - ~~A 250-foot setback of the burial areas from the dwelling unit on TMP 31-21E.~~

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

2. Maintenance and operation, including the digging of graves, of the cemetery is restricted to day light the hours of 8:00 a.m. – 5:00 p.m. only.
3. Burial services cannot be scheduled to occur at the same time as special events associated with SP201100027.
4. Only biodegradable materials may be interred into the ground during burials. Non-biodegradable materials include embalming fluids, non-biodegradable caskets, and concrete vaults.
5. No plastic non-biodegradable memorials are permitted.
6. No individual grave will be marked by a fixed, upright marker, monument, or other structure.
7. The footprint of the pavilion structure will not exceed 2,000 square feet.

#### STAFF REVISIONS TO CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Conceptual Plans titled "Green Cemetery Footprint – aerial – v 4.5" dated April 21,2021 and "Green Cemetery Parking and Pavilion – v 3.0 100ft scale" dated March 13, 2021. To be in general accord with the Conceptual Plans, development must reflect the following essential major elements:
  - Burial areas
  - Parking areas
  - Potential future pavilion location
  - Seventy (70) foot setback along Reas Ford Lane

Minor modifications to the Conceptual Plans that do not conflict with the above elements may be made to ensure compliance with the Zoning Ordinance.

2. Maintenance and operation of the cemetery, including the digging of graves, are restricted to the hours of 8:00 a.m. – 5:00 p.m. only.
3. Burial services may not occur at the same time as special events associated with SP201100027.
4. Only biodegradable materials may be interred into the ground during burials. Non-biodegradable materials include embalming fluids, non-biodegradable caskets, and concrete vaults.
5. No non-biodegradable memorials are permitted.
6. No individual grave will be marked by a fixed, upright marker, monument, or other structure.
7. The footprint of the pavilion structure will not exceed 2,000 square feet.
8. Uses permitted in accordance with this application must maintain a fifty (50) foot setback along the northern property boundary.

The revised conditions now recommended by staff include setbacks to be preserved in the event that the 20-acre proposed cemetery use is permitted to shift into the northern corner of the property in the future. The applicant has indicated that it is agreeable to these revised conditions.

**RECOMMENDATIONS:**

Staff recommends the Board adopt the attached Resolution (Att. D) to approve SP202100009, subject to the revised conditions attached thereto.

**ATTACHMENTS:**

Att. A – PC Staff Report

Att. A1 – Vicinity Map

Att. A2 – Project Narrative

Att. A3 – Proposed Burial Area

Att. A4 – Metes & Bounds Description of Proposed Burial Area

Att. A5 – Proposed Parking and Future Pavilion Areas

Att. A6 – Waivers Permitting Proposed Burial Area

Att. A7 – Written Public Comments and Photographs

Att. A8 – Green Cemetery Attendee Data

Att. A9 – SP201100027 Special Event Barn & Parking Location

Att. B – PC Action Letter

Att. C – PC Meeting Minutes

Att. D – BOS Resolution