

**Albemarle County Planning Commission  
Work Session and Regular Meeting  
FINAL Minutes January 23, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 23, 2024, at 6:00 p.m.

Members attending were: Fred Missel, Chair; Corey Clayborne; Karen Firehock; Julian Bivins; Luis Carrazana; and Lonnie Murray, Nathan Moore (arrived at 6:05 p.m.).

Members absent: None.

Other officials present were: Michael Barnes, Director of Planning; Kevin McDermott, Deputy Director of Planning; Stacy Pethia; Syd Shoaf; Kevin McCollum; Andy Herrick, County Attorney's Office; and 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**

Mr. Clayborne motioned to approve the Consent Agenda. Mr. Murray seconded the motion, which carried unanimously (6-0).

**SP202300006 Arbor Life Tree Service**

Kevin McCollum, Senior Planner, said that the proposal was a special use permit for a landscape contractor in rural areas. He said that landscape contractors were added to the Rural Areas District as a use permitted by special use permit in September 2020. He said that this application before them was the first Commission public hearing for this type of use. He said that the ZTA introduced landscape services and storage of landscape materials in rural areas on parcels of three acres or more as a use permitted by special use permit.

Mr. McCollum said that landscape contractors who qualified as home occupations were still permitted; however, the ZTA provided them with an option to expand to a special use permit if they grew beyond what was considered a home occupation. He said that in the staff report, there was a list of items for them to consider when reviewing new landscape contractors. He said that these included items such as storage materials, building locations, setbacks, access to the parcel, anticipated traffic, hours of operation, and information on noise and smell.

Mr. McCollum said that the subject property was located at 163 Patterson Mill Lane, just outside the Crozet Development Area. He said that properties on the southern side of Interstate 64 across Patterson Mill Lane, labeled 71-39 on the image, were a VDOT-owned maintenance and storage facility. He said that to the south and east along Patterson Mill Lane, there were some residential properties. He said that the existing condition sheet, which came from the application materials, showed that the subject property included an existing metal farm building with a surrounding gravel parking area. He said that there was a fence along the frontage of Patterson Mill Lane, and

to the rear was Interstate 64 and an existing tree line.

Mr. McCollum said that the proposal was for a landscape contractor business that would use the existing building on the site for equipment and utilize onsite storage areas for vehicles, equipment, and materials. He said the existing building would remain, and parking spaces have been added. He said that the location of the storage areas was identified. He said that the applicant's narrative described the property as situated in an area where employees would arrive and park their personal vehicles before departing for work using company equipment.

Mr. McCollum said that the associated equipment and storage materials would be kept onsite; however, a majority of the work would be conducted off-site. He said that the special use permit was reviewed under the factors for consideration as outlined in the zoning ordinance. HE said that staff believed that the proposed landscape contractor would not negatively impact adjacent parcels, would not alter the character of the nearby area, is in harmony with the zoning district, and is consistent with the comprehensive plan.

Mr. McCollum said there were a few conditions to ensure that these factors were met. He said that there were four total conditions. He said that the first was the standard condition used to ensure that the development of the property would be in general accord with the conceptual plan provided by the applicant. He said that the condition ensured that buildings, parking areas, and storage areas would be located in the same general area as shown on their plan. He said that the second condition was to ensure that the proposed use would not have negative impacts on the abutting residential property to the south. He said that staff believed that the proposed landscape contractor use had industrial characteristics, and the industrial use buffer requirements in the ordinance should apply.

Mr. McCollum said that these regulations meant a 50-foot building setback, a 30-foot use buffer, and any additional necessary screening along the property line of TMP 71-37J, which is the property to the south. He said that the concept plan provided demonstrated that compliance with these regulations was feasible. He said that the last two conditions were based on comments from the Virginia Department of Health and building inspections, requiring a bathroom on the property for employees. He said that the final condition was based on recommendations from their engineering division, to require a VSMP plan to address site disturbances.

Mr. McCollum said that the proposed use was consistent with the comprehensive plan, and no detrimental impacts to adjoining properties were anticipated. He said that staff had no additional concerns. He said that staff was recommending approval of this special use permit with the conditions as recommended in the staff report.

Mr. Clayborne said that regarding the second item, the WPO, he would like to confirm that the statement regarding engineering being recommended as a condition of approval referred to previous circumstances and did not apply to their current situation.

Mr. McCollum said that the recommendation of a new VSMP led them to the current state of suggesting approval in the staff report. He said that essentially, his understanding was that incremental disturbances had occurred on the site, and each of these previous disturbances were less than 10,000 square feet, which did not trigger the need for an application. He said that the WPO plan pertained to fill but did not account for the previous disturbance. He said that since this matter was going before the Board, engineering recommended that they attach a condition requiring the submission of a VSMP plan to address all of the previously unpermitted disturbances.

Mr. Clayborne asked whether the condition regarding the connection to a sewer system implied that they did not require any additional requirements for the water supply.

Mr. McCollum said that the staff had recommended that there was sufficient well and septic infrastructure on the property for the employees. He said that the building was permitted as a farm building, so it did not have a water or sewer connection. He said that staff believed that installing a permanent bathroom water facility would be appropriate considering the number of employees who would visit the site.

Mr. Clayborne said that he did not see any conditions related to water usage, only septic usage. He asked whether there should be a requirement that the site provide water access.

Mr. McCollum said that they could certainly add that if the Planning Commission felt that it was appropriate. He said that VDH approval would be required, and in their comments, they had mentioned alternatives, and this condition was really to address that they did not want any half measures when it came to toilets or bathroom facilities. He said that this was not addressing the water issue, but he thought that they could definitely consider that when going to the Board.

Ms. Ragsdale said that regarding the requirements for special use permits, they aimed to ensure they did not duplicate anything already covered by another code. She said that in this case, well and septic systems will be required. She said that they did not want any alternative measures for septic systems. She said that there were no significant alternative measures for wells; however, they could clarify that. She said that these conditions were recommended because there were certain things, they wanted to either prohibit or capture that were not captured previously, such as in the VSMP plan.

Ms. Firehock asked what the reluctance was regarding alternative measures or alternative technologies. She asked if they would be unable to install a composting toilet at the site.

Ms. Ragsdale said that, considering commercial use, they had been hesitant to permit it, especially not something like pump and haul. She said that traditional onsite facilities were appropriate for commercial uses. She said that they could revisit the use of composting toilets.

Ms. Firehock said that a composting toilet should be able to handle the volume from the site with only a few employees. She said it was a less polluting option compared to a septic field.

Ms. Ragsdale said that they could revisit the conditions.

Bart Svoboda, Zoning Administrator, said that composting toilets were a disposal system approved by a permanent provider, the Virginia Department of Health, and they would qualify as a permanent system onsite. He said that they aimed to avoid by pump-and-haul methods.

Mr. Svoboda said that the condition stipulated a permanent onsite sewage disposal system, which can be either septic or composting. He said that the condition encompassed all concerns, allowing them to perform any of those tasks related to waste disposal. He said that regarding the well, since other codes necessitated potable water, they would not include it as a condition because they had other codes which required that they have a potable water source.

Mr. Carrazana asked whether the 50-foot setback was only applicable in the 'L' site line between 37J and the other parcel.

Mr. McCollum said that was correct.

Mr. Carrazana said that it was not required by I-64.

Mr. McCollum said that was correct. He said that the right-of-way extended along Patterson Mill for some distance. He said that the sole abutting lot line belonging to a rural area is the one adjacent to 7137J.

Mr. Missel said that the building setback and no parking closer than 50 feet could still allow piles of mulch to be placed nearer to those setbacks. He said that there were no limitations for uses up to the property line.

Mr. McCollum said that due to how the first condition was worded, they limited them to the storage areas that they had demonstrated in the concept.

Mr. Bivins asked if there had been communication between the applicant and neighboring residents.

Mr. McCollum said that he believed the applicant would be able to address this matter when they presented their report. He said that they had a community meeting, which took place at Western Albemarle, in August 2023. He said that there was not a large attendance.

Mr. Missel said that the proposal stated a landscape contractor would utilize an existing building on the site, so no additional buildings would be constructed.

Mr. McCollum said that they would be limited to what was shown on the conceptual plan. He said that the plan did show a smaller building, specifically a new 15 by 30 building in the storage area.

Mr. Missel asked for clarification about the location of the storage areas.

Mr. McCollum said that the majority of the parking spaces were located on the eastern side of the building. He said that there were a few proposed parking spaces on the southern side as well. He said that upon entering the property, there were five proposed parking spaces to the left and four adjacent to the building. He said that the storage facilities were primarily situated at the rear of the site, near the existing tree line. He said that there was a log storage area, followed by a new vehicle storage area in the rear. He said that the latter area was the largest storage facility. He said that wood chips were stored closer to the Patterson Mill frontage.

Mr. Missel asked if the existing tree line would be impacted.

Mr. McCollum said that was correct. He said that they would require screening, and they would require a site development plan. He said it would be reviewed to ensure minimum adequate screening.

Mr. Missel opened the public hearing.

Monica Madison, Project Manager for Arbor Life, said that it should be noted that Property 37-J was also owned by the applicant. She said that when the previous tenant resided there, she requested the removal of all bushes because she wanted an unobstructed view of the mountain. She said the images provided context of the neighborhood. She said that the top corner on the left displayed a house at Route 250, situated at the intersection of I-64. She said that to the right, one could see a small country road named Patterson Mill, and as they approached Patterson Mill from Route 163, Route 164 was visible on the right side of the image displayed on the bottom left corner of the screen. She said that was VDOT's maintenance facility.

Ms. Madison said that the black fence with a driveway was property 37-J. She said that the image showed the context of future developments in the neighborhood. She said that the red dot signified an upcoming park-and-ride location. She said the proximity to 71-37K was noteworthy, as it altered the area's context. She said that there was only one residence in the vicinity. She said that upon approaching Patterson Mill, a church was the first structure encountered. She said that there was one house before reaching 71-37K or 71-39.

Ms. Madison said that the images displayed both the building and aerial views, as well as the other side's aerial view of the VDOT property. She said that the image provided a clearer understanding of the current state of the building. She said it was a barn that housed equipment for Arbor Life. She said that it served as a barn with electricity. She said there was a well onsite; nevertheless, they were not installing bathrooms because it was not suitable to incorporate a standard toilet in that facility due to cost constraints.

Ms. Madison said that she discussed this issue with Commissioner Murray last week and identified it as an obstacle. She said that upon reviewing all the documents, she contacted both VDH and BRDH. She said that things she could do included composting toilets or pit toilets. She said that they did have an agricultural well. She said that they only had six employees who actually arrived at the site. She said that when considering the OSHA code for mobile workers, she pointed out that if they really needed to, that would be less than a 10-minute walk from the neighboring property, so that was an option. She said that she had copies of the letter from the Blue Ridge Department to provide.

Mr. Bivins said that it was accurate to say that the owner of 37-K was also the owner of property 37-J.

Ms. Madison said that was correct.

Mr. Bivins said that when examining the existing conditions on the context map provided in the report, he found that there were three structures located on 37-J.

Ms. Madison said that there was a house, a garage, and a cottage. She said that in the provided map, there was a specific section that could be found. She said 7137-J1 was a parcel that did not belong to the applicant.

Mr. Bivins said that there were three structures on 37-J.

Ms. Madison said that they were existing structures.

Mr. Bivins asked which structure someone would use if they were going to the bathroom.

Ms. Madison said that they would go to the closest one.

Mr. Bivins said that they would not put anything on the property line because the resident had requested there be no trees.

Ms. Madison said that was correct, but the resident was no longer living there, and she was in a retirement center. She said that it was currently unoccupied.

Mr. Bivins said that they could now start planting trees on the property line.

Ms. Madison said that she did not know whether that was required.

Mr. Bivins said that it would indeed be a question for the future. He said that they were requesting the Commission to examine various bathroom options. He said that one option was to proceed to the adjacent property by walking a short distance or entering the woods.

Ms. Madison said no. She said that people would be requested to use facilities with actual restrooms owned by the business on the neighboring property.

Mr. Bivins said that he was attempting to understand the situation, because staff had stated that there should be a facility on the premises.

Ms. Madison said that if one examines the VDH records, they provided her with options. She said that one of these options suggested by the Virginia Department of Health was a pit toilet. She said it was an option due to the site's previous context as a dump and fill location before being purchased by its current occupant. She said that it had some questionable areas regarding the optimal design for a septic system.

Mr. Bivins said that he was not suggesting a septic system, but rather attempting to find a solution based on the recommendations from the staff and the statement made by the Zoning Administrator Director regarding having a compostable toilet.

Mr. Missel said that he was unsure if it was their responsibility to decide whether a toilet was required. He said that in his opinion, this should be determined by codes based on the specific requirements for toilets.

Ms. Madison said that she did look it up with them because when they were mobile workers, it had been questionable. She said that they mentioned that when they had the option to drive or transportation was readily available and as long as it was within less than 10 minutes, then it was not required for a mobile crew. She said that in arboriculture, their role was limited to picking up equipment, making them a mobile crew.

Mr. Bivins asked if there would be no one in the office.

Ms. Madison said that there was no office, just a barn. She said that there would not be an office at that site for the foreseeable future.

Mr. Bivins asked if there would be no offices, why they should be concerned about the appearance of the parking situation. He asked what necessitated formal parking.

Ms. Firehock said that they needed to be able to leave their car to pick up the equipment.

Mr. Missel said that perhaps he misunderstood the situation; however, he was not certain if it was their responsibility to determine whether a restroom was necessary or not. He said that one of the conditions was reviewing and approving a permanent onsite sewage disposal system. He asked if they could specify that it would be as determined or as required.

Mr. McCollum said that both comments from building inspections and the Department of Health were included in the staff report. He said that essentially, the building inspection comments stated that the facility was transitioning from a farm building use to a commercial use, which required the installation of bathrooms. He said that they were open to whatever the Virginia Department of Health could approve.

Mr. McCollum said that VDH had likely provided some options for consideration, but the staff was going one step further by suggesting that a permanent onsite well and septic system would be appropriate in their opinion. He said that in his view, relying solely on off-site bathroom facilities

could pose issues if the property were to be sold, as access to an available bathroom might no longer be guaranteed. He said that therefore, having a bathroom on this property would be more suitable.

Mr. Murray said that if the permit would encompass area 71737-J, then several issues would be resolved. He said that the buffer and bathroom problems would no longer exist. He asked if they had thought about expanding the application to include the other property.

Ms. Madison said yes, they had considered it after the acquisition. She said that she would leave the decision regarding merging the two properties up to the owner to discuss. She said that the owner had not yet decided, but it had been considered that merging the properties would be beneficial. She said that she was uncertain whether combining them would necessitate another special use permit application.

Ms. Firehock said that they could not consider the use of the bathroom on the adjacent property because they could not condition an approval of one site on a separate site. She said that it did not matter if they had different owners because the owner could sell one of them, and then it would not be necessarily favorable to run back and forth between the properties. She said that she was not even considering that option.

Ms. Firehock said that she had sympathy for the owner's situation. She said that it did not appear to be a location where people spent time hanging out; they arrived, obtained equipment, and departed. She said that it was a small business, and there could be potentially expensive overhead costs. She said that she did not think that they required condition number three. She said that throughout the entire conversation about whether to add a bathroom, she felt it was not necessary.

Mr. Clayborne asked if the materials being stored on the site were chemicals or inert materials.

Ms. Madison said that the storage was for the actual equipment and for mulch, as well as some occasional logs that would be brought in. She said that it was a zero-waste facility, so nothing would end up in the landfill and would be reused at the facility.

Mr. Clayborne asked if the car park was paved or gravel.

Ms. Madison said that it was gravel.

Mr. Clayborne said that he believed that they could not have ADA parking in a gravel lot.

Ms. Madison thanked Mr. Clayborne for the clarification.

Mr. Clayborne said that lastly, he would ask if they were washing any equipment on the site.

Ms. Madison said that there was no maintenance and no washing. She said that it was simply parked to shield it from the weather elements. She said that they had mulch and that was it.

Mr. Bivins asked if they were moving operations from German Gap Road to this new location.

Ms. Madison said that the office was situated at 1146, but they had been located at 250 for over 27 years. She said that due to recent growth and increased traffic, exiting onto 250 during rush hour had become slightly hazardous.

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.

Roger Willis said that he was Mr. Baber's former father-in-law but remained close friends and business associates. He said that he would like to point out a couple of important points to consider regarding the existing lot on 250. He said that this was an equipment shed only, and there were eight employees, which was a high number. He said that they would go to the site to pick up their equipment and proceed to the job. He said that at times, they had helpers who were on the truck, but essentially, they collected the equipment from this location.

Mr. Willis said that there would be no chemicals stored there. He said that he had not considered the ADA regulations, but he did not know that as a general practice, they had anyone requiring a handicap-accessible situation. He said that this was basically a tree operation for landscaping purposes. He said that this service differed from what Waynesboro Nursery provided.

Mr. Willis said that to address the need for a restroom facility, they contacted the health department. He said that the VDH stated that a pit privy would be acceptable instead of installing a septic tank. He said that to put in a septic tank and necessary infrastructure was not necessary for the brief amount of time that employees would be at the site. He said that the office facility would be another limitation.

Miles Burns said that he owned 243 Patterson Mill Lane and 313 Patterson Mill Lane under the ACE program. He said that he had lived at 243 for approximately 10 years now. He said that Mr. Willis was a valuable member of the community, and he supported his efforts there. He said that one point not discussed was when he moved into his current property in 2014, located below the other buildings they mentioned earlier, the lot was kind of a mess. He said that Mr. Willis had cleaned it up, installed a building with a nice fence and did some landscaping. He said that as a result, the facility now had an entirely different appearance. He said that it was much cleaner and well-organized when compared to its previous state.

Mr. Burns said that Mr. Willis' efforts had influenced VDOT to maintain their facilities more efficiently. He said that the property appeared well-maintained, and he had no concerns regarding it. He said that the residential area between their properties was suitable, as they shared a significant border area. He said that regarding the bathroom situation, since he worked from home due to the pandemic and closed his office in town, there was rarely anyone at the site except for early morning deliveries.

Mr. Burns said that the bathroom was not an issue. He said that he worked for various companies, including contractors, developers, a solar energy company, and an international firm. He said that their crews frequently visited the site for tasks such as swapping out vehicles or picking up cars. He said that his neighbor was an excellent person who assisted others in the community, including recently when he removed a fallen tree at his daughter's house.

Blair Turner said that he was the owner of the property directly across from VDOT, situated near Patterson Mill Road on both sides and extending to Burchs Creek Road on the west side of the property. He said that the appearance of this property had never been better in his memory. He said that Mr. Willis owned a successful business in the area, which he had built over his lifetime. He said that Mr. Willis was a well-respected individual who consistently supported numerous charities and could be relied upon to help others in need regardless of the day or circumstances.

Mr. Turner said that there should be some consideration for people who have lived in the community their entire lifetime. He said that he had experienced this situation and observed what he thought the special use permit aimed to achieve, which was addressing the issue of



commercial vehicles being parked illegally around the County by various contractors at their residences, where workers arrived in the morning, took their work vehicles, and left for work.

Mr. Turner said that this appeared to be one of the first attempts to enforce such a special use permit. He said that they had a suitable candidate here who wished to implement it. He said that he believed this would set a positive example for the rest of the work community and facilitate the implementation of these permits that they all desired. He said that he would provide some context by mentioning that the VDOT maintenance facility was directly opposite his property, which, if people had visited the area, they knew was not visually appealing.

Mr. Turner said that on the rear side of his property, there was Interstate 64, leaving little use for this small strip of land. He said he believed he had found the best possible utilization for it. He said that perhaps most importantly, they aimed to alleviate some truck traffic off Route 250 in Western Albemarle and Brownsville Market. He said that many people who lived nearby, like himself, traveled through these areas during mornings and afternoons, and could attest that the congestion was quite severe.

Mr. Turner said that by redirecting some of that commercial vehicle traffic to an easily accessible area near Interstate 64 with less traffic, they served the community well. He said that in his opinion, this proposal benefited everyone, and he strongly recommended approving the permit.

Mr. Missel asked if the applicant would like to address any of the comments from the public. He said that the applicant had declined to do so, and the matter now rested with the Planning Commission. He said that the primary focus seemed to be on condition number three. He said he was still working to understand the role of the Planning Commission in relation to this comment. He said that he understood the County's perspective and the Virginia Department of Health's comments included as well. He said that his question was, was it reasonable to soften that language so that it remained a consideration but not an absolute requirement for site plan approval.

Mr. Moore said that he had a similar thought. He asked if they could change that to the review of human waste disposal by VDH. He said that it was a business that had to comply with VDH regardless, so he wondered why they would not just strike condition three.

Mr. Barnes said that they would have to comply with being a commercial building and having a type of restroom facility. He said the primary concern was regarding the pump-and-haul procedure, so they were considering a wide range of acceptable options and sought to further liberalize that. He said that the building code would also require them to have potable water on the site as well.

Mr. Moore said that there was a prohibition on permanent pump-and-haul situations for employment places, so he understood that. He said that his question was whether including that clause in this document might be redundant since it already had to happen with VDH.

Mr. Barnes said that it sounded like a logical statement. He said that he believed staff was amenable to striking condition three.

Bart Svoboda said that if there was potable water required by code, then a septic system or disposal of that potable water would be necessary. He said that an important factor to consider was that this involved a transition from a farm structure to a commercial building. He said that as an example, handicap spaces were required due to building codes when a structure became commercial.

Mr. Svoboda said that for the other aspects that applied in this case, he would need to defer to the building official regarding whether or not bathrooms were required. He said that regardless of what OSHA stated, according to the health department, USBC, and zoning ordinance, only two types of systems for waste disposal on individual lots were allowed: conventional and alternative facilities. He said that the definitions provided by these authorities discussed health department approval.

Mr. Svoboda said that the pit privy could potentially be an alternative system. He said that point discharge systems were prohibited unless one was a sewage disposal provider like the service authority. He said that the restriction aimed to protect groundwater and surface water health. He said that he agreed with Mr. Barnes' statement; however, they would need to examine it further before presenting their position at the Board meeting. He said that they may or may not require that condition based on their research.

Ms. Firehock said that they did not usually enumerate things in the conditions if they were already required in the building code, so she wondered why this was different.

Mr. Svoboda said that he believed that this issue originated from discussions with the applicant regarding a portable toilet, which was not an allowed type. He said that it was also regarding the pump-and-haul system, which should be used for emergency purposes under VDH regulations. He said that if it was a permanent pump and haul, then that responsibility lay with the Board of Supervisors. He said that permanent pump-and-haul systems are not issued to individuals; they were issued to localities.

Mr. Svoboda said that the purpose of this clarification was to address any confusion or requests regarding whether a system was required and who holds ultimate authority. He said that the County could override state regulations or vice versa if they conditioned the permit, and they could be more restrictive than what the state required. He said that they needed to research that specific condition further before making a decision.

Mr. Missel said that it appeared that staff was supportive of removing condition three, and they would do further research between now and the Board of Supervisors meeting to clarify what language was necessary to include.

Mr. Murray said that he wondered if the park-and-ride had a bathroom.

Ms. Firehock said that the change from an agricultural building to a commercial building was what necessitated a bathroom.

Mr. Murray said that in the land use regulations, it included horticulture under agriculture. He said that this was an agricultural enterprise, so he questioned why this use was not treated as agricultural. He said that this was a great example of considering a zoning or comprehensive plan designation for agriculturally supportive industries. He said that he questioned whether or not this use should be categorized as commercial or industrial when it did not neatly fit into any category.

Mr. Missel said that he believed that the staff also experienced some difficulties in this regard. He said that was why the setbacks were characterized as commercial setbacks; however, it was not actually a commercial zone.

Mr. Murray said that he would rather see agricultural support in the area surrounding Crozet, as the historical use of the area was agricultural support, rather than gas stations, restaurants, and expanding commercial uses.

Ms. Firehock said that it was a special use permit specifically for a landscape contractor, rather than simply being for a commercial building.

Mr. Murray said that he would like to see more progress in this area. He said that one of the initiatives they were working on involved promoting the use of native plants. He said that they discovered that nurseries were diminishing in the County, and horticulture was disappearing as an occupation in the region due to narrow profit margins.

Ms. Firehock noted that the land was expensive to use only for allowing potted plants to mature on it.

Mr. Murray said that putting more regulations on this made it more difficult for these types of operations to survive in the County.

Mr. Bivins said that this was a continuation of the conversation they had two weeks ago regarding Broadway. He said that they must ask at what point they wanted to encourage light industrial services. He said that this was a legacy building involving a legacy business, but even if it were a business from a less-admired owner, they must still ask if they wanted to have this type of business in this location.

Mr. Herrick said that as Ms. Firehock indicated, it was not the practice of staff to include conditions or restate conditions in special use permits that were already required by other agencies. He said that in this case, any type of restroom facilities would require approval from the Virginia Department of Health. He said that staff continued to recommend against having portable toilets and pump-and-haul systems on the property. He said that the prohibition was in addition to what VDH would require, therefore, it was staff's recommendation was that at least the second sentence of condition three remained. He added that ultimately, the final recommendation would be determined by the Commission.

Mr. Bivins asked if that meant condition three would then state that the use of portable toilets and pump and haul would be prohibited on the site.

Mr. Herrick said that he believed the current language was sufficient, however, if the Commission wished to propose any changes, that was their purview.

Mr. Murray said that he had concern regarding condition two, which was for the 50-foot setback. He said that requiring a landscape buffer of some kind was acceptable, but he would leave out of the condition that it must be screening using large trees.

Ms. Firehock said that she did not feel it was necessary to amend the language regarding the screening at this time. She said that it could be worked out with the applicant.

Mr. Murray said that it did not need to be a condition if it was already a part of their code.

Mr. Missel said that it was likely beneficial to establish it as a condition to serve as a reminder.

Ms. Firehock moved the Planning Commission to recommend approval of SP202300006 Arbor Life Tree Service, with the conditions recommended by staff, except for the first sentence of staff's proposed condition #3, and for the reasons stated in the staff report. Mr. Clayborne seconded the motion, which passed unanimously (7-0).

## Adjournment

At 8:34 p.m., the Commission adjourned to Tuesday, February 13, 2024, at 6:00 p.m.



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Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date: 02/13/2024
Initials: CSS