

**Albemarle County Planning Commission
Work Session and Regular Meeting
Final Minutes July 9, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 9, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Lonnie Murray

Members absent were: Karen Firehock; Nathan Moore

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Tonya Swartzendruber, Planning Manager; Kevin McCollum, Senior Planner; Jodie Filardo, Director of Community Development; Bart Svoboda; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearings

SP202400006 Piedmont Grounds Management

Kevin McCollum, Senior Planner, said that he would be providing staff's report for Piedmont Grounds Management, Landscape Contractor, a Special Use Permit application. He said that the subject property was located at 4842 Richmond Road, approximately half a mile from the Fluvanna County border. He said that this property and its surrounding area had been zoned as rural areas, adhering to entrance corridor guidelines along Richmond Road.

Mr. McCollum said that the surrounding region primarily consisted of rural residential properties with single-family detached houses on lots ranging from two to six acres. He displayed a slide illustrating the existing conditions of the site from Richmond Road. He said that the property was a little over three acres in size, with about half an acre developed as a Class A country store, formerly known as Boyd Tavern Market and briefly Lakeside Market.

Mr. McCollum said that to the right of this building was the proposed location for the landscape contractor business. He said that the land had been mostly undeveloped but contained some cleared areas. He said that a conceptual plan for development was displayed on the screen. He said that the proposal involved establishing a landscape contractor business with an office, parking area, and landscape materials storage area.

Mr. McCollum said that typical business operations would involve employees arriving at the site in the morning to gather materials and equipment for off-site work during the day, returning to the site in the evening to drop off equipment and materials, and leaving in their own personal vehicles. He said that displayed on the screen was an illustrative plan, which included the building, parking

area, storage area, entrance corridor street trees along the frontage, and a 30-foot screening buffer.

Mr. McCollum said that staff recommended requiring the use buffer as a condition for approval, as well as an additional 30-foot buffer and 50-foot setback. He said that given the proposal was in the entrance corridor, the development would require Architectural Review Board (ARB) review to assess the proposed landscaping and building design. He said that since it was a new commercial use, the project will require a site development plan and Virginia Erosion and Stormwater Management Program Plan.

Mr. McCollum said that approvals from the health department will be necessary for any proposed drain fields and wells, and VDOT approval of the entrance will be required for the proposed entrance. He said that these reviewers have reviewed the plans and have provided no concerns or objections. He said that the special use permit application was reviewed under the factors for consideration as outlined in the County's zoning ordinance.

Mr. McCollum said that generally, staff believed that the proposed landscaping contractor will not be detrimental to adjacent properties, would not change the character of the nearby area, would be in harmony with the zoning district, and was consistent with the comprehensive plan. He said that staff had reviewed the plans and drafted a few recommended conditions to ensure those factors were upheld. He said that the first condition was that development of the site must be in general accord with the conceptual plan. He said that this was to ensure that buildings, parking areas, and storage areas were in the same general location as provided.

Mr. McCollum said that the second condition was to apply industrial setbacks and buffer requirements. He said that this condition was consistent with Arbor Life, the previously approved landscape contractor use in rural areas. He said, the last condition was to address some previously unapproved clearing that was done in the Water Protection Ordinance (WPO) buffer. He said that this condition ensured that the applicant replants that important natural resource area.

Mr. McCollum said that in conclusion, staff had found 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 that were not addressed by the proposed conditions. He said that staff was recommending approval of this special use permit application with the conditions as recommended in the staff report.

Mr. Bivins said that in the applicant's concept plan, he noticed that both the shed and the convenience store were situated on critical slopes.

Mr. McCollum said that regarding the proposals displayed on the right side of the screen, the existing convenience store had been in operation for a long time. He said that it was located within the WPO buffer zone; therefore, they would classify that as a non-conforming use. He said that to provide clarity, the proposals pertained to the landscape contractor and would be distinct from the Class A country store.

Mr. Bivins said that the parcel was currently a vacant convenience store, which was more like a shed. He said that he expected that the applicants could confirm whether there was an anticipation that these two properties would be reactivated at some point in the future.

Mr. McCollum said that the applicant had recently received a zoning clearance approval. He said that from the standpoint of staff, this was approved; thus, the country store had obtained zoning clearance and had been approved for reopening.

Mr. Missel said that regarding condition number two, the building was well-positioned within the setbacks but noticed that the landscape material storage area encroached into that space. He asked if the occupant could store items behind the building between the property line and the building envelope.

Mr. McCollum said that staff had phrased the conditions so that they wanted to see a 30-foot use buffer, so the storage area could go up to that buffer. He said that the setback applied to the building, so landscape material storage was not considered a building and could be within the 50-foot setback but not within the 30-foot use buffer.

Mr. Missel asked if the 30-foot use buffer was intended to have plantings.

Mr. McCollum said that was correct. He said that the screening would be addressed at the site plan stage.

Mr. Missel said that it would provide a boundary in that case.

Mr. McCollum said that the buffer could possibly be extended in the proposal. He said that staff would analyze the screening on that property line during the site plan phase.

Mr. Bivins asked for clarification regarding extension of the buffer.

Mr. McCollum said that they were displaying the screening buffer in green color on the proposal. He said that the staff suggested implementing a condition of a 30-foot screening buffer, but they could also evaluate and incorporate additional screening or landscaping alongside the property line during the site plan approval process if necessary.

Mr. Bivins asked if they could potentially extend the buffer down to the entrance to further screen the property.

Mr. McCollum said that was correct. He said that the provided document showcased an illustrative plan, which incorporated street trees. He said that at this time, they were not imposing any conditions on the placement of these street trees. He said that the illustration demonstrated how street trees could fulfill the requirements for a site plan.

Mr. Missel asked if the blue line near the landscape material storage area was a contour line.

Mr. McCollum said that he was unsure. He said that he would defer to the applicant to answer that question.

Mr. Missel opened the public hearing. He asked if the applicant had a report for the Commission.

Kelsey Schlein introduced herself as a Planner with Shimp Engineering. She said that she was present to represent Piedmont Grounds Management, who had applied for a special use permit request. She said that Jordan Kaufman, the property owner and also the owner of Piedmont Grounds Management, could unfortunately not attend due to a class commitment.

Ms. Schlein said that Piedmont Grounds Management had been in operation for approximately 21 years. She said that Mr. Kaufman established the business when he was around 16 years old and had managed it ever since. She said that the number of employees varies depending on the season, with slightly fewer during wintertime and more in summertime as business increases. She said that Piedmont Grounds Management primarily serves residential and commercial clients in Crozet and Charlottesville.

Ms. Schlein said that Mr. Kaufman saw this property as an opportunity to provide a permanent location for his business. She said that at present, he was renting space on a property that was up for sale, so he urgently needed to find a permanent home for his business. She said that the property in question can be seen from the provided image, with the historic Boyd Tavern Market property visible on the left side of the screen, along with the existing Class A country store and shed.

Ms. Schlein said that on the far side, there was an open field where Jordan planned to place his equipment and material storage building. She showed a closer view of the landscape contractor's central area on the property, which faces west towards Charlottesville. She said that moving into the concept plan, referring to the blue line, it represented the Water Protection Ordinance buffer. She said that most of this information was based on GIS data, and final surveys were still pending.

Ms. Schlein said that there were some existing structures and a drain field encroaching into the WPO buffer. She said that all proposed landscape work and land disturbance would be outside of the buffer zone. She said that they proposed a new entrance on the high side of the property, providing the best visibility on site. She said that limited areas were available for locating the entrance to the property. She said that this location ensured a safe entrance and exit from the property. She said that regarding the landscaping equipment building envelope and parking envelope, they were generous in size, offering permitting flexibility during the site plan stage.

Ms. Schlein said that concerning the screening buffer visual representation, they initially showed the rural area setback on the property, with a 25-foot side setback on both sides. She said that after working with staff, they increased those setbacks to 50 feet. She said that it was a triangular-shaped property, approximately three acres in size, which reduced their buildable area by about 14,000 square feet. She said that they were able to make that work and wanted to make it work, especially with this location of the house nearby, to increase the setbacks.

Ms. Schlein said that previously, they had a 20-foot buffer shown as well, but they increased that to a 30-foot screening buffer. She said that staff presented it in their condition, extending along the entirety of this property line. She said that however, since they lost about 14,000 square feet of buildable area and approximately 7,000 square feet on this side, they wanted to ensure that there was flexibility for a drain field and potential material storage. She said that specifically, the drain field entrance would encroach into that 30-foot buffer with material storage in between the 50-foot setback and the 30-foot screening buffer.

Ms. Schlein said that regarding operational details, the hours of operation were typically 8:00 a.m. to 5:00 p.m., Monday through Saturday. She said that employees would pick up their equipment from the property, leave for their respective job sites, and return at the end of the day. She said that employees would drop off all their company equipment on the site before leaving in their personal vehicles.

Ms. Schlein said that there would be no retail component or customer-facing component as part of the site. She said that the maximum usage of the site involves approximately 25 trips a day in and out of the property, which represented minimal transportation involvement. She said that company vehicles and trailers would be primarily stored on the site, along with some material storage consisting of mulch and gravel for PGM to use on their clients' properties.

Ms. Schlein said that this property is subject to ARB and might end up being an aesthetically pleasing equipment building in Albemarle County. She said that however, they will have to ensure that blank facades would not face the entrance corridor. She said that they may consider the idea of regarding this as a farm structure for Mr. Kaufman's landscaping business and landscape equipment storage. She said that the proposal aligned with the comprehensive plan's strategy in supporting a strong agricultural and forest economy in rural areas.

Ms. Schlein said that the 2015 comprehensive plan suggested amending the zoning ordinance to allow landscape services and storage of landscape materials in the rural area, which was implemented in 2020 with a zoning text amendment that enabled them to be before the Planning Commission tonight. She said that there had only been one other approved landscape contractor in the County; this was the second one being pursued. She said they hoped they could gain the Planning Commission's support.

Mr. Murray said that Strategy 4E in the comprehensive plan encouraged the use of native plants and landscaping to protect and provide habitat for native biodiversity, save water, and connect landowners to the local ecosystem. He requested the applicant consider a program in Virginia and Albemarle County where they paid landowners to do things like convert lawns to native plants.

Mr. Murray said that it would be in their best interest to become skilled in doing that. He said that since they had to have a buffer of native plants already, he proposed using this as a demonstration area for native plants. He said having parent material right there next to their landscaping business for native plants. He said that this was a great potential win-win for the applicant if they wanted to take advantage of it and it was certainly a service that the County needed more of.

Ms. Schlein said that she would pass the information along to Mr. Kaufman. She said that she was confident that he would be very receptive to receiving additional funds in order to get the project off the ground and make it a reality.

Mr. Murray said that this program covered most of the expenses related to the installation of different practices. He said that as a result, the homeowner experienced advantages, and so did local businesses, schools, or any other applicants. He said that furthermore, the landscaper also received compensation for their work.

Mr. Clayborne asked about the information on page three, which discussed fertilizers, chemicals, and fuel storage. He asked whether these substances would be stored in large enough quantities to necessitate containment for spills or similar incidents, despite not being stored in bulk quantities.

Ms. Schlein said that she believed that they would not have any large clients requiring on-site storage in such bulk amounts. She said that during the site plan process, they would work with the fire marshal to ensure all safety measures were met.

Mr. Carrazana said that he had a question about the entrance. He said that it seemed there was a berm on the site as it tapered down towards the end, near the high part of the site close to the neighbor's entrance. He asked whether the owner had considered extending and adding more landscaping to create separation between them. He asked if these discussions had already taken place.

Ms. Schlein said that for the entrance, they must ensure maintaining sight distance and not planting any landscaping within their view triangles. She said that apart from that, the applicant was fully on board since he owned a landscape business and had told the neighbor multiple times that he was ready to plant whatever was needed; he had the labor force and could source materials to complete the project.

Mr. Carrazana said that the provided images were helpful because they clearly showed the area in question. He said that it seemed odd for the entrance to be so close to their neighbors.

Ms. Schlein said that if a better location was available, they would move it. She said that due to a crest in Route 250 as they approached the western property edge, this location was the best one for visibility on the road. She said that although traffic would be minimal since there was no customer retail-facing approach, additional landscaping could certainly be added.

Mr. Bivins said that he was unclear as to why they would not consider bringing a driveway through at the back end of the convenience store. He said that given the limited number of people coming onto the property, he asked about the reason for requiring a designated street or entry.

Ms. Schlein said that it came down to sight distance, and even though the existing entrance predated current VDOT regulations, it was considered a new permitted use on the property. She said that when VDOT reviewed the application, they preferred the entrance for the new use to be in the best location possible for safety and compliance.

Mr. Bivins said that he felt it was important to provide as much buffer for the house as possible, so they would not feel exposed over a period of years. He said that there had only been a field at the location, except for someone who cleared the area when they were not supposed to. He said that other than that, neighbors were accustomed to having a quiet existence in the area. He said that he believed trailers would be placed inside the fancy barn rather than hanging out in the parking lot.

Ms. Schlein said that there may be some trailers in the parking envelope, but they must be screened from the entrance corridor. She said that the building would block any view of the parking lot from the neighbors.

Mr. Bivins said that it was a fact that there would be noise generated from this use that the neighbors would be subjected to, and they must be sensitive to this issue. He said that they must also work to reestablish the buffer, so he assumed there would be significant improvements to achieve that.

Ms. Schlein said absolutely. She said that the requirements in section 17-600 were quite robust. She said that the property owner inherited the situation from a previous property owner, and this would result in a significant improvement over the existing condition. She added that it would likely be a better condition than even existed prior to the clearing.

Mr. Missel asked if Ms. Schlein could address the building height limitations. He said that they were determined by the rural areas zoning.

Ms. Schlein said that they could not build anything taller than 35 feet. She said that anything higher than that would require a rezoning application.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he closed the public hearing and the matter rested with the Commission.

Mr. Bivins said that he supported the application because it would be appropriate bring a use to this currently vacant property. He said that he was supportive of the applicant intentionally providing a buffer for the neighbors next door.

Mr. Murray said that considering their upcoming conversation, it was essential to discuss whether this type of use should be by right or performance-based in the future. He said that he believed that it should be. He said that this was something they wanted to promote in rural areas. He said that it no longer seemed suitable for their growth area, which had become expensive and unsupportive. He said that he considered this a form of agriculture. He said that, as they revised the comprehensive plan, they should consider making this process easier for people, with the exception of those producing dyed mulch or similar products with potential water quality impacts.

Mr. Missel said that he did not disagree with Mr. Murray's suggestion, but as they considered rural areas, a similar comment had been made during their discussion about The Grey, proposing that it might be an appropriate use within rural areas. He said that now, they were discussing whether it could be an appropriate use in rural areas. He said they should think about parameters as they moved into the comprehensive plan and should they limit its use to any rural area or only areas that were more developed.

Mr. Murray said that he believed it was an excellent point, which demonstrated that not all areas in the rural area were equally developed.

Mr. Missel said that he agreed.

Mr. Carrazana motioned the Planning Commission to recommend approval of SP202400006 Piedmont Grounds Management, with the conditions as recommended in the staff report, which was seconded by Mr. Missel. The motion passed unanimously (5-0). (Ms. Firehock and Mr. Moore were absent.)

Adjournment

At 8:15 p.m., the Commission adjourned to July 23, 2024, Albemarle County Planning Commission meeting, 6:00 p.m. in Lane Auditorium.



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: July 23, 2024
Initials: CSS