

**Albemarle County Planning Commission
October 6, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 6, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Mac Lafferty, Vice Chair; Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Staff present was Claudette Grant, Senior Planner; Glenn Brooks, County Engineer, Sarah Baldwin, Senior Planner; Bill Fritz, Manager of Special Projects; Wayne Cilimberg, Deputy Director of Community Development; David Benish, Acting Director of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; Steward Wright, Senior Permits Planner; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

SP-2015-00023 5th Street Station - Drive through Windows (Signs # 47 & 48)

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 076M10000002A0, 076M10000002B0, and 076M10000004A

PROPOSAL: Request for multiple drive-through windows

ZONING: Planned Development Shopping Center

COMPREHENSIVE PLAN: Regional Mixed Use – residential (up to 34 units/acre), regional serving retail, service and office uses, non-industrial employment centers.

EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land.

(Sarah Baldwin)

Ms. Baldwin presented a PowerPoint presentation for SP-2015-00023 5th Street Station – Drive through Windows.

This is a request for a special use permit to establish multiple drive-through windows located at 5th Street Station. Typically, with special permits an application plan is submitted that depicts the important concepts that staff has identified. In this case, the applicant has submitted a conceptual plan that identifies three potential drive-through locations that the applicant may utilize, but they may anticipate more.

This project is zoned Planned Development – Shopping Center (PD-SC). Planned districts in general are meant to provide for more flexibility. In order to allow the applicant more flexibility, staff has developed design standards which identify best practices for drive-throughs. This will give the applicant the opportunity to assure future tenants that drive throughs are permitted that also provide staff with standards conditions. In the future it is possible that the design standards that the Commission will see tonight may be used for future drive-through applications and potentially lead to a zoning text amendment (ZTA) to allow them by right.

The conditions, as outlined in the staff report, are based upon extensive research from both the United States and Canada. Staff has reviewed and analyzed them against other drive-throughs. Staff noted the conditions address such things as circulation, safety, location of window, lane width, and separation of lanes. The conditions also change stacking to a measurable distance, line up entrances, and provide for a travelway beyond the window and address screening. The conditions far exceed those we currently have in the ordinance. As part of this application the applicant is requesting special exceptions from the existing ordinance for stacking and lane width, which is supported by staff.

In the next slide, Ms. Baldwin pointed out what these conditions would look like regarding the following:

- Window located at side/rear
- Access not on travelway
- Landscaping

In the next slide Ms. Baldwin pointed out an example of one that does not work:

- There are no barriers
- There is conflicting traffic flow

The conditions staff outlined will address these type of things.

In the next slide Ms. Baldwin pointed out another example that does work:

- There is adequate separation between the travelways
- There is space beyond the window
- The window is located at the side or the rear of the building

Staff received an email today from a citizen addressing screening, which the Planning Commission also received. Staff agrees and anticipated such issues. Conditions 2 and 3 address landscaping. Additionally, our ordinance currently allows for screening of objectionable features. That is always an option for us.

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The proposed conditions address the design and functionality of any drive-through and offer significant flexibility for the location, number and type of businesses that make use of drive-through windows.
2. The drive-through windows proposed for this development are not expected to be visible from the Entrance Corridors.

Factors unfavorable to this request include:

1. There is no application plan or maximum number of drive-through window requests accompanying this approval.

Based on the findings contained in this staff report, staff recommends approval of SP 2015-23 - 5th Street Station Drive-Through Windows with the following conditions:

1. When adjacent to a public street the drive-through windows shall be located on the side or rear of the building.

2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
3. Drive-through lanes shall be separated from sidewalks, and any vehicular travel areas by a planting strip at least 5 feet in width.
4. Where pedestrian access crosses drive-through lanes a 5 foot wide raised pedestrian travelway or a 5 foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.
5. Drive-through lanes shall be a minimum of 11 feet wide.
6. Drive-through shall not enter directly from or exit directly to any public street.
7. Entrances to drive-through lanes shall be more than 50 feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).
8. Drive-through lane length shall be a minimum of 100 feet measured from the center of first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee.
9. A 20 foot long lane meeting the same standards as the drive-through lane shall be provided beyond the window.
10. Where a drive-through lane is located adjacent to a travelway the direction of travel in the drive-through and the travelway shall be the same unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
11. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

Mr. Morris invited questions for staff.

Ms. Firehock said the Commission was being asked to take a form based code approach to drive throughs in this development. She asked would staff then suggest the conditions be adopted for all of the developments in the future so they won't have discussions about every drive through window. She did not have any problem with changing their planning practice since she did not like reviewing drive through windows. However, she was just trying to understand where they were going with this.

Ms. Baldwin noted that Bill Fritz were here to address some specific questions about the standards. This is something that has been on our list of zoning text amendments to do for quite a while. This provided staff an opportunity to look more in depth at those things and our ordinance right now does not go into the extensive standards that they have here.

Ms. Firehock said this would potentially become a precedent or the way we do business in the future.

Mr. Benish said he thinks they would start to look at this as a standard for the special use permit reviews and then consider a text amendment to make this potentially part of the ordinance as supplementary regulations.

Ms. Firehock asked if it could then switch to administrative review and not come before the Planning Commission.

Mr. Benish replied yes, that was potentially the next step.

Mr. Morris invited Mr. Fritz to address this issue.

Mr. Fritz said staff discovered that we were reviewing every special use permit for drive throughs sort of ad hoc. We did not have any standards and we were just bringing the requests here and could not tell applicants what was going to get approved. Staff could not provide any guidance. So we put a small team together of Sarah Baldwin, Glen Brooks and myself. They wanted to have an engineer and a planner. He pulled a lot of research from across the country and Canada. There were some really good studies that had developed best management practices, and they decided to use those as conditions for this. And if it looks like it works, which they think it does ultimately have those as zoning text amendments, and if someone wanted to deviate then it would be a special exception and it would go to the Board of Supervisors.

Ms. Firehock said it sounds like a good idea.

Mr. Morris invited other questions for staff.

Mr. Lafferty said in the email they got this afternoon one of the objections was the light shining into Willoughby. He asked if this is way down and much lower in elevation.

Ms. Baldwin replied that it is a lower elevation and staff did look into that. She believed it was anywhere from 12' to 24' lower. But, they also noticed that the lights will go directly into the hillside for Willoughby and not up near the houses.

Mr. Randolph said he emailed staff earlier today with a question. They received a blanket email from Joan Albiston who lives at 921 Royer Drive. He has visited Ms. Albiston's house before and her house was probably the most contiguous in Willoughby to the 5th Street Station project. He estimated just using a combination of Google and then your legend here to figure that she is approximately 645 some feet give or take 10 feet from the back of her house to the closest one of these drive through windows. The question he had was the topographical differential between the heights of where the drive thru window is going to be versus the elevation at 921 Royer Drive. He asked if staff was able to get a handle on that.

Ms. Baldwin replied yes, we looked at it and it looks like the lights would shine directly into the hillside and not up towards her house. She would also point out that the closest drive through that he is referencing is one that staff is not supporting. The layout of it is not conducive with the conditions that they have laid out.

Mr. Randolph said he appreciated that. He just wanted to make sure that we put that on the record that her question was addressed and we followed through and found that it really does not represent an issue as she perceived it.

Mr. Keller complimented staff on this because this is a great step forward to try to do this. Regarding point 10 where a drive through lane is located adjacent to a travel way, he was thinking back to some issues that several of us had with CVS with the issue of a high traffic roadway adjacent. In this and that previous case staff did an excellent job of thinking about the

stacking relevant to that particular operation, but not necessarily the issues of what happens if ten cars come up the travel way at the same time and there is not a way for that stacking to be dealt with. He thinks that is sort of getting at that with condition 10.

Ms. Baldwin replied that was correct.

Mr. Keller noted a side discussion that he had with Mr. Benish of two, which would be different than a new construction like this, but when they are adjoining parcels and there is already allowed access to one and then you are putting this new piece in and how that coordination of what could become another stacking problem occurs. He suggested Mr. Benish could fill in what they are talking about.

Mr. Benish said he thinks the spacing requirements for the intersection will apply to anything including internal streets, too. In fact, what Ms. Baldwin showed as one of the examples is actually part of an internal travel way network in terms of the spacing issue. He thinks the standard conditions allow at us at the CVS site to look at that adjacent site of that intersection created relative. In that particular case that was part of that travel way for the island. It is something that they are going to have to pay a little closer attention to and make sure that these are covering it. We don't know whether these are going to be the final conditions. But, he thinks we can handle those under the standard conditions.

Mr. Keller said but yet he thinks that this is really important when we think about some of the places like Pantops where the fast access areas were not thought of collectively at least conceptually up front. There have been some real challenges and this begins to highlight what the challenges are up front.

Mr. Benish said with redevelopment and required interconnectivity with redevelopment of sites is something that we are going to have to pay closer attention to.

Mr. Fritz said staff looked at a case just like what he is talking about in the county and these conditions address those potential conflicts when you have adjacent sites developing. The CVS site in particular would not have met these standards; it had conflicting traffic flow similar to what is shown in the slide on the screen.

There being no further questions, Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

Valerie Long, representative for the applicant 5th Street Station Ventures, LLC and Avon Holdings, the owners and developers of the project. Others present as representatives of the project are Dan Tucker, the project manager for 5th Street Station Ventures; Bruce Lucas, the on-site construction manager; and Daniel Hines, civil engineer with Bohler Engineering. She had some slides prepared, but thinks Ms. Baldwin's slides probably addressed all of your questions. She offered to answer any questions. It sounds like the commissioners are comfortable with Ms. Baldwin's responses in response to Ms. Joan Albiston's email that arrived today. Ms. Baldwin was gracious enough to send it to me so she was familiar with its content and was able to reach the same conclusions she did that among other things the difference in elevation between where these drive throughs would be located and those houses is significant enough that it would not impact them. They also have extensive landscaping on site. This site plan has gone through extensive rounds of review with county staff. They even shared the landscaping plan with the neighbors just after our community meeting. The neighbors gave us a little bit of feedback to the plan and asked for some revisions, which they have committed to make. They know there are a handful of fairly minor revisions that they are going to need to

make on our site plan. So we have committed to introducing those revisions as part of our next round of revisions. It is mostly replacing some deciduous species of landscaping with some evergreen species in certain areas. So we are confident that there will not be a problem. But, again, she would be happy to answer any questions.

Ms. Long pointed out that her only issue was the very last condition in the staff report that is not one of the standard conditions. It says that the use has to be implemented within X number of years. This is intended to kind of be a special use permit, which Ms. Firehock had a good term for, form based code approach. It established the basis rules and the burden is on the applicants to make sure that every proposed drive through meets those standards and if it does, it would be approvable administratively as part of the site plan. If it does not, then it won't. But, the beauty of it is as they have new tenants come in and out over the life time of this property's project that we do not have to come back to the Commission and the Board every time for a new special use permit. So she would say just maybe between now and the Board hearing she would like to work with staff on appropriate wording for that one condition just to make sure we've fulfilled the goal that she thinks we all share. Otherwise, she would like to thank publicly to staff, Ms. Baldwin, Mr. Fritz, Mr. Brooks and their colleagues. This was an extraordinarily collaborative approach that we put together. It was kind of an unique ask on our part to be able to do it this way and we were very grateful that starting with Mark Graham he said yes, that makes a lot of sense and work with staff to see if we can make it work. Not only did it work in a way that we are very comfortable with, but it actually did not even take that long. She wanted to thank that publicly and thank all of them for their help.

Mr. Morris invited questions for the applicant.

Mr. Randolph said he will divulge that he is a Star Buck's shareholder. His question is if a 100' stacking space adequate for a Starbucks. We have seen the Star Bucks open up in Pantops. The traffic that has congregated at that Star Bucks has been a major bottle neck in that area. Given the fact that 100' really lends itself probably to no more than 10 cars coming back to Commissioner Keller's question is there an adequacy of stacking space in this design given the demand and knowing that this facility is going to be open contiguous to I-64. There are a lot of people that are java lovers that will be putting it into their I-phones and looking to see where the nearest Star Bucks is located. They will be getting off the interstate expressly to go to this facility. So they are assuming, especially in the morning, that there is going to be a high degree of congregation. If reducing that stacking distance down to 100' is that prudent understanding the demand for services that may well arise.

Ms. Long replied certainly they obviously want to make that the drive through works and that it is adequate. The beauty of it is originally we started out with a proposal that had a minimum stacking distance for different types of uses. It was a coffee shop, which needs more space as compared for instance to a pharmacy that needs very few spaces because they don't receive the same volume of vehicles that a coffee shop does. Or, compared to a Panera Bread Restaurant for instance. So there are different sort of industry standards and different recommendations based on the type of use. So we originally proposed different links for each different use. Staff based on their research of best practices both around the country as well as internationally indicated that the 100' minimum way was a way to go and they could always go higher than that; or if we could demonstrate for instance with a pharmacy that 100' was more than you really need you can ask for a reduction if you can demonstrate that with some sort of a study or other evidence that you don't need that much. But, that was considered to be kind of the industry standard for what you needed. But, there is no prohibition against having a greater number of stacking spaces. So for all the reasons you indicated if Star Bucks decides to lease space here, and they certainly hope that they will, that most likely we would design it to have

many more stacking spaces than other uses would have and certainly would be factoring in some of the lessons learned at the Pantops facility to make sure that it functions better. Some of that is just the initial excitement about the Star Bucks there and having a drive through. We knew that was going to be well received. That was a project that she worked on as well, and frankly it exceeded everyone's expectations. But, we find that it is settling out a little bit.

There being no further questions for the applicant, Mr. Morris invited public comment or rebuttal. There being no public comment or rebuttal, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

Motion: Mr. Randolph moved and Mr. Keller seconded to recommend approval of SP-2015-0023 - 5th Street Station, Request for Drive-Through Windows with the conditions outlined in the staff report noting that there will be continued due diligence on condition 11.

There being no further discussion, Mr. Morris asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2015-0023 - 5th Street Station would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined with the following conditions.

SP-2015-23 5th Street Station Drive through Windows – Planning Commission Recommendation

1. When adjacent to a public street the drive-through windows shall be located on the side or rear of the building.
2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
3. Drive-through lanes shall be separated from sidewalks, and any vehicular travel areas by a planting strip at least 5 feet in width.
4. Where pedestrian access crosses drive-through lanes a 5 foot wide raised pedestrian travelway or a 5 foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.
5. Drive-through lanes shall be a minimum of 11 feet wide.
6. Drive-through shall not enter directly from or exit directly to any public street.
7. Entrances to drive-through lanes shall be more than 50 feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).
8. Drive-through lane length shall be a minimum of 100 feet measured from the center of first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee.
9. A 20 foot long lane meeting the same standards as the drive-through lane shall be provided beyond the window.

10. Where a drive-through lane is located adjacent to a travelway the direction of travel in the drive-through and the travelway shall be the same unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
11. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

Mr. Kamptner noted the Commission can also make recommendations on the two special exceptions to reduce the stacking and the lane width.

Mr. Morris asked for a motion.

Motion: Mr. Randolph moved and Mr. Keller seconded to recommend approval of two special exceptions to 1) reduce the stacking, and 2) reduce the lane width.

There being no further discussion, Mr. Morris asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Morris noted that the Planning Commission recommends approval of two special exceptions be forwarded to the Board of Supervisors on a date to be determined to reduce 1) the stacking requirement under Section 4.12.6 from 5 spaces to 100 feet and 2) the lane width requirement under Section 4.12.17(c)(2) from 12 feet to 11 feet.

(Recorded and transcribed by Sharon Taylor, Clerk to Planning Commission & Planning Boards)