Albemarle County Planning Commission
May 28, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 28, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas; Pete Craddock; and Bill Edgerton. Absent from the meeting were Tracey Hopper, William Finley and Jared Loewenstein.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Elaine Echols, Principal Planner; Yadire Amarante; Planner, and Jan Sprinkle; Deputy Zoning Administrator.

Other Matters Not Listed on the Agenda from the Public:
Mr. Rieley invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda:

SUB-02-51 Dunlora 3B Final Plat - Request to disturb open space in accordance with Section 4.7.2 of the Zoning Ordinance. (Karl Guiler)

SDP-02-31 Charlottesville-Albemarle Airport Rental Car Quick Turnaround Facility Waiver of Critical Slopes - Proposal to grade and construct storm sewer improvements in areas of slopes greater than 25%. Section 4.2.3.2 of the Zoning Ordinance restricts earth-disturbing activity on critical slopes. (Francis MacCall)

SDP 02- 030 Rio Square Final Site Plan - Request for a waiver of the off-street loading space requirements for professional offices in accordance with Section 4.12.6.2 of the Zoning Ordinance. (Stephen Waller)

Mr. Thomas moved for approval of the consent agenda as presented.

Mr. Edgerton seconded the motion, which carried unanimously (4:0).

Items Requesting Deferral:

ZMA-01-021 Carriage Gate Apartments (Sign #69) - Request to rezone 2.742 acres from R-6 Residential to R-15 Residential to allow apartments with a density of 14 dwellings per acre. The property, described as Tax Map 45 Parcel 91, is located in the Rio Magisterial District on Woodbrook Drive approximately 1/4 miles from the intersection of Woodbrook Drive and Berkmar Drive. The Comprehensive Plan designates this property as Transitional recommended for mixed-use areas with Urban Density uses and non-residential land uses on the scale of Neighborhood Service and Office Service. Urban Density uses are 6 - 34 units per acre (if this applies) in Neighborhood 1. (Elaine Echols) *APPLICANT REQUESTS DEFERRAL TO JUNE 18, 2002.*

Mr. Rieley opened the public hearing and invited comment from the public. There being none, the public hearing was closed for action by the Commission.

Mr. Thomas moved to accept the applicant's request for deferral of ZMA-01-01, Carriage Gate Apartments, to June 18, 2002.

Mr. Edgerton seconded the motion, which carried unanimously (4:0).

Deferred Items:

SUB-01-274 The Rocks at Ivy Preliminary Plat – Request for preliminary plat approval to create the lots for an approved Rural Preservation Development of 39 development lots ranging in size from 2 acres to 106 acres on 642 acres. The proposal includes a request to waive the standards for private roads, including: 1) the principle means of access at time of flooding of Section 14-512H; and 2) the width of travelway requirements of Section 14-514. The property is zoned RA, Rural Area with an approved Special Use Permit for a Rural Preservation Development. The property described as Tax Map 74 Parcel 18 is located in the Samuel Miller Magisterial District on Dick Woods Road (Route 637) approximately 800 feet south of the I-64 overpass, on the east side of the road. The Comprehensive Plan designates this property as Rural Area. (Yadira Amarante) *DEFERRED FROM THE MAY 21, 2002 PLANNING COMMISSION MEETING.*

Ms. Amarante presented the staff report. (See the attached staff report.) She noted that an addendum to the staff report was made which removed condition number 2a from the conditions of approval. Condition 2a related to language regarding a cemetery that may or may not be located on the property. Staff had requested that the condition read that there may be a grave located on the site. After discussion with the County Attorney, staff has removed that condition. She noted that the Site Review Committee has reviewed the preliminary plat and found to meet the conditions of SP-91-36 and the criteria of the Subdivision Ordinance. The configuration of lots is consistent with Rural Preservation Developments. Staff recommends approval of the preliminary plat with the suggested conditions deleting condition 2a. The applicant has also submitted a request for authorization to construct private roads within the development. This would be consistent with the special use permit approval in 1991. Based on evidence submitted by the applicant, Engineering and Planning staff support the use of a private road with conditions based on anticipated reduction and environmental degradation. In this case, the private roads will be built to private road standards and the differential in earthwork is minimum. However, during the review of the private road request the bridge was found to be impassable during a flood event. An obstructed access during a flood event is critical to the safety and welfare of future residents at this development. Therefore, staff recommends approval for the use of private roads only with the condition that the road is built and the existing bridge is raised above the 100-year flood level. The applicant has also submitted a request for road width at the bridge. A development of this size warrants VDOT Subdivision Road Standards and require a 20 foot wide road throughout the length of the road. The width of the existing bridge is 18 feet. Engineering staff has looked at this request and has recommended approval. They feel that given that the bridge is limited to internal subdivision traffic of a low volume, it is thought that the bridge can serve the subdivision safely and does not require that the bridge be widened. Staff feels that the widening of the bridge is anticipated to minimize environmental detrodation that might occur with the construction of a new bridge. Staff recommends approval of the variation in pavement. She stated that staff has reviewed a number of letters, emails and telephone calls from abutting property owners who were concerned with five different concerns which she has outlined. She noted that there were other concerns. These just happened to be the most reoccurring ones.

Mr. Rieley asked that as staff addresses each of the areas of concerns that we get Mr. Kamptner's view from a range of choices that the Planning Commission has before them so that we might limit our discussion and public comments that are really before the Commission.

Ms. Amarante stated that one of the concerns was the location of a possible cemetery on the site. Several abutting property owners had indicated that there might be a graveyard in the vicinity of lot 15. There were some letters attached in the staff report. However, no evidence of a graveyard or a structure marking a place of burial has been found. According to our Subdivision Ordinance the requirement is that if one is known to exist, that it be shown on the plat. She asked Greg to comment on that.

Mr. Kamptner stated that the language from the Subdivision Ordinance regulations is that if there is an object marking a place of burial it needs to be shown. From all of the information that has been received, there have been no objects found that mark a place of burial. Therefore, there is nothing that needs to be shown on the plat and the requirement does not need to be imposed.

Ms. Amarante stated that the next concern was the availability of water. Several owners were concerned that the impact of this development may have on the existing water supply, which they knew was low due to the various droughts in the County regionally. However, the County's regulations regarding subdivisions do not address the addition of new wells that might affect the overall water supply in the area. The conditions of the approval outlined in the staff report will require compliance with the Water Protection Ordinance that is in place.

Mr. Kamptner stated that the Subdivision Ordinance does not require a condition of approval that water quantity for individual wells be established or that the impact on surrounding properties be determined.

Ms. Amarante stated that there was much discussion about the existence of a public right-of-way known as McGee Road on some deeds that were provided to the County and the applicant. They had claimed and were actually drawn on a map that was in the public record the location of this right-of-way. The information that the applicant's surveyor was able to find did not find the existence of this particular right-of-way. There were two right-of-ways found on the property after that search was begun, but they were not the one known as McGee Road. The easements that were found by the surveyor have now been placed on the plat which is the only requirement is that they be placed on the plat. They do not impact the outline of the lots at all.

Mr. Kamptner noted that he had no comment on that matter.

Ms. Amarante stated that another concern was the density of this project. Many neighbors have stated that the density seemed high for this neighborhood. The proposed clustered configuration of lots provides a concentration of lots. But this clustering is allowed not only under the RPD provisions in the Zoning Ordinance, but also are the requirement of the special use permit that was approved in 1991 for a rural preservation development of over 20 lots. Therefore, the number and location of lots permitted is vested by that special use permit.

Mr. Kamptner stated that that was the legislative act made eleven years ago, which sets the policy for this property.

Mr. Edgerton asked if there was any flexibility in the placement of the lots or does it have to be consistent with what was shown.

Mr. Kamptner stated that as long as the plat and the lots shown on the plat satisfy the lot design requirements in the Subdivision Ordinance and the RPD regulations, and that they show a rural preservation tract of at least 40 acres, and any conditions of the special use permit, [there is no flexibility].

Mr. Edgerton asked if the last sentence of the staff report that says the number and location of the lots permitted in this subdivision are vested. It specifically states the number and location. He asked if that was a correct statement?

Mr. Kamptner asked if there was a plan that was submitted with the application in 1991?

Ms. Amarante stated that there was a plan submitted and this plan was found to be substantially in accord with that application plan at the time. The last concern was the standing of SP-91-36; specifically the flood plain crossing was a concern of some of the neighbors. The special use permit allowed private roads to be constructed and also allowed the crossing over the flood plain of Ivy Creek. The bridge was constructed in1992, which was listed in the staff report. She noted

that actually she thought it was constructed in 1993. The special use permit at the time had a condition of approval that before the special use permit could begin that the bridge had to be constructed. The bridge was constructed and the Zoning Administrator determined that the bridge was vested or had vested the applicant's rights in that use.

Mr. Rieley stated that in reading this report and the emails for months on this project, he had been under the assumption all of that time that this was a newly constructed bridge. When he went out in the field and looked at it, it was very apparent that there were very old abutments and in fact doesn't appear to be in very good shape on which a new deck had been placed. He asked if it was fair to assume that the Zoning Administrator's determination that the bridge construction had vested the applicant's right took into consideration that this was in fact a new decking of the bridge and not new construction of the bridge.

Ms. Amarante stated that she had not posed that question. Ms. McCulley was here to ask that question.

Mr. Rieley asked Mr. Kamptner if he had anything to add on the vesting of the property.

Mr. Kamptner stated no, because he felt that the Zoning Administrator's 1993 determination deals with that.

Ms. Amarante stated that staff finds the proposal in compliance with the provisions of the Subdivision and the Zoning Ordinance and recommends approval with conditions as stated in the staff report minus condition 2a.

Mr. Rieley opened the public hearing and asked the applicant to come forward to speak.

SPEAKERS FOR REQUEST:

Hiram Ewald, representative for the Verulam Farm Limited Partnership who owns The Rocks of Ivy, stated that his family has owned the property for thirty years. During the last twenty years they have owned and operated through the family partnership since their father died. They sought and received approval for the final plat application in 1991. and they were present to seek approval for sort of a reapplication. He noted that recently they have reached a consensus with County staff and that with certain noted conditions, staff supports approval of the application. He stated that they have addressed ordinance criteria and all other issues rigorously and forthrightly. They do not believe there are any remaining outstanding issues as they have been engaged with staff and their neighbors for six months. He noted that they were present to answer any questions. He stated that other persons present to speak for the application were Frederick W. Payne of the law firm of Payne and Hodous, Bob McKee and Elliott Findig of McKee Carson. He asked to reserve time at the end for the applicant team to answer any questions.

Mr. Rieley stated that they had one person who has signed up to speak. He asked that Anabel Bowen come forward to speak.

SPEAKERS FOR REQUEST:

Anabel Bowen, a resident of Rosemont Subdivision, submitted a letter signed by 18 fellow property owners in the subdivision and a picture of the bridge in question that was taken this afternoon. She stated that they recognized that they can't stop this, but certainly wanted to express their concerns. She noted that from a taxpayers standpoint that involved some liability issues. She asked to read the highlights of their concerns. She noted that there was a history of what appears to be mistakes and the by passing of County rules and procedures which they understand were in place. She stated that there were deadlines which were missed and approvals being given after the fact and prior to certain conditions that had been required being met. She urged them to think in terms of enforcing the rules and procedures from a precedent

setting standpoint and sort of fairness in the County. She pointed out that the big concern that they have is the existing bridge that does not meet the 100-year flood requirements. They have real concerns about that bridge. If there is a fire or a school bus that gets hung up on the bridge so that an emergency vehicle won't be able to get to somebody in that development, then the County is going to be sued. We as taxpayers are concerned that will ultimately come back to the all the County taxpayers. She noted that the applicant stated that there is some wording that it is minimal or light traffic with 39 potential residences. In Rosement, they currently have 42 or 43 completed homes lived in and the traffic is very large. They urge the Planning Commission to look at the requirements for the bridge and take a longer-term view. She pointed out that there was also a water issue that they understood that the Commission did not have legal purview over. They had one resident that had a well go dry about a month ago. Bottom line, they urged the Commission to think carefully.

Mr. Rieley asked if there was anyone else present who wanted to address the issue.

Susan McKibbin, stated that she had a concern about the bridge as well. She stated that Engineering about eleven years ago approved the bridge. The hydraulics at that time by McKee Carson was innovated by the 100-year flood and somehow managed to get approved. She noted that was one of the mistakes that they were referring to. That special use that was granted then and the vesting that occurred years later said that the bridge was completed and that vested this entire project. She pointed out that the bridge still was not completed. She pointed out that the Zoning Administrator had determined that the same special use permit that was used to build this bridge that now needs to be built again could be used to cover the new construction. She stated that her question was how was it possible to use the special use permit twice. She stated that the applicant asked the County Attorney's office to give them an iron clad letter to say that if we raise this bridge above the flood level that we will not be requested to amend the special use permit or apply for a new one. She asked if they received that ironclad letter.

Mr. Kamptner stated that the Zoning Administrator issued the letter as to that effect. The reason why the special use permit allowed for the elevation of the height of the roadway on the bridge was because the permit in 1991 did not approve a specific design. All it does is authorize that a bridge be constructed and the condition required that the County Engineer approve it.

Ms. McKibbin stated that the County Engineer did approve it. The current County Engineer said that he did not understand how by 1991 hydraulics it was inundated and that was a mistake. The bridge is still not completed and the vesting letter from 1993 states according to the pre-conditions of the special use permit this bridge plan is approved and the bridge is completed. The bridge is still not completed. She noted that vested the whole project. She asked that the Planning Commission enlighten her as to how this happened.

Mr. Rieley stated that the Commission would ask the Zoning Administrator. He asked if there was anyone else present to speak.

Mr. Frederick W. Payne, of the law firm of Payne and Hordous, stated that the vesting issue is not in your preview at this point. He noted that what is peculiar about this is that regardless of whether it was done right or not, it happened in 1991. If it had not have happened in 1991 and they had been given this other information, then it would have been built to that standard. He pointed out that needed to be understood. He noted that when the County Engineer asked them to change it that they had agreed to change it. He pointed out that he had already told his client and the County Attorney that they had a vested right for this permit and they did not have to do that. They did it because it seemed like the right thing to do and it was reasonable. He noted that he wanted the so called iron clad letter because he did not want to be in the position of having a vested right and then giving it up and being required to go back and ask for another special use permit. He stated that the Zoning Administrator, as a matter of fact, volunteered what Mr. Kamptner has just described to you. That is where that came from. This is another $50,000 that they have to spent to do this. In his judgement, they did not have to do this. They were just

doing it because it seemed like the right thing to do and that is what the County Engineer wants. Finally, as to this bridge, he did not know if it would be done right or not because he was no an engineer. He noted that Mr. Graham, County Engineer, had been very specific about this and one thing that is positive in his conditions was that there was very specific criteria identified for measuring this. The two engineers have talked and they are on board with how to do that. He stated that it would clearly get done. He stated that this applicant was going out of his way to do something that he does not have to do based on his vesting. He noted that he would be happy to answer any questions.

Mr. Thomas asked if they were making the bridge safer.

Mr. Payne stated that he once heard the VDOT resident engineer stand here and say that he did not know what that means whether it is safer or not, but it will be higher.

Mr. Thomas asked what they would be doing to the bridge.

Mr. Payne stated that the bridge was going to be raised. He noted that the deck was being raised and would be higher above the streamline. He pointed out that the engineers could better address the hydraulic issues. The issue is if you run a particular calculation on the so-called 100-year flood that is a construct; it shows certain things as to where the water would be. What is going to happen is using a particular form of construct with a particular computer program that the County Engineer has identified is the right one, when this bridge is modified the bridge deck will be above the level of the water that would be anticipated in a 100-year flood.

Mr. Rieley stated that he had a couple of questions for Mr. Graham. He apologized for not alerting him to this question earlier, but noted that he just took a look at the bridge in question this afternoon. He stated that he was surprised to see that it was not a new bridge, but looked like an old farm bridge abutment that had a deck put on it years ago. He noted that he was struck by the fact that the abutments don't appear to be plum and that water is undercutting the footings that appear to be insufficient. He asked by modern standards, what degree have you investigated the bridge.

Mark Graham, County Engineer, was stated that he had also inspected that bridge and the footings and in his professional judgement it was fine. He agrees that it was a little is out of plum, but that was not unusual for those old type bridges. The bridge was obviously done quite some time ago and those things happen. The footing on the bridge on the far side away from Dicks Road you are correct and he was somewhat concerned about it. Right now it was fine, but one thing he planned to ask for is some additional protections probably in the form of a gabin basket to keep it from scallowing out any more. He noted that would part of the road and bridge approval.

Mr. Rieley stated that the other question relates to request for waiving the road width. He noted that the assumption was since there would be new construction to raise the bridge on these existing abutments, it is not unusual to have a flared upper section that would allow for a somewhat wider, and in this case would be one foot on each side, deck. He asked if he knew of anything that would have alerted him that that would be a problem.

Mr. Graham stated that he looked at that actually to see because it was a different technique that they used to build that bridge. He pointed out that it actually came from the West Virginia highway standards. The way that works is that the boards actually set on edge and then you run a rock. He pointed out that a Virginia engineer certified it. He stated that he saw that as being somewhat complicated to accomplish on this particular bridge and given the amount of traffic on the bridge and the local use, it was his professional judgement that the 18-foot was accepted.

Mr. Rieley stated that the third question that relates to this is that all of this is predicated upon on additional environmental damage on trying to bring bridge to acceptable modern standards or at

least up to VDOT's current standards. If the bridge were rebuilt on the existing abutments and if it were built at a width that would be consistent with the current VDOT standards, would that bridge in your judgement be able to be dedicated to VDOT in the future.

Mr. Graham stated that he believed that it would at that point in time. He pointed out that they have actually warned the applicant about that, that they do not anticipate that this bridge will ever be able to be accepted in the Virginia secondary road system. He noted that he just did not see them accepting this with that narrow width and with the bridge deck as it exists.

Mr. Rieley stated that separating the two issues, he asked if the width remained consistent with VDOT's standards would they accept the abutments as they were.

Mr. Graham stated that he thought so, but he had not had anybody from VDOT out there so that was just his opinion. He based his opinion on other things that he had seen VDOT accept.

Mr. Rieley stated that the environmental damage that is the rational for not doing any additional work to the bridge would be limited to area abutment.

Mr. Graham stated that was correct because currently the way they were proposing to reconstruct the bridge was to essentially add on to the existing abutments and jack the deck up which would allow them to stay out of the stream. They won't have to get back into the stream to accomplish that work.

Mr. Craddock stated that since this was a private road does it have to meet any load requirements for fire trucks and school buses.

Mr. Graham stated that yes that it would be the treated the same as if it were a public road.

Mr. Rieley stated that the three issues before them were the variation of the road width at the bridge, the authorization to use and construct private roads, and the approval of the preliminary subdivision plat. He asked for a motion concerning the variation in the road width of Section 14-514.

Mr. Craddock stated that if they can raise the bridge to a safe load capacity, then he did not have a problem with it.

Mr. Edgerton moved to grant a waiver of the standards for private roads of Section 14-514 with staff's recommendation.

Mr. Craddock seconded the motion, which carried unanimously (4:0).

Mr. Rieley asked for a motion concerning the authorization to use and construct private roads. He noted that the special use permit made specific provisions for the road. Therefore, the roads must be consistent with the previously approved special use permit.

Mr. Thomas moved to approve the applicant's private road plan as approved in the special use permit.

Mr. Edgerton seconded the motion, which carried unanimously (4:0).

Mr. Rieley asked for a motion on the preliminary subdivision plat.

Mr. Edgerton moved to approve the preliminary subdivision plat with staff's recommendations excluding condition 2A. He pointed out that that he had hoped that there would have been a larger map or diagram to show that sixty percent of the property was being set aside as rural

preservation. He noted that the alternative that they were facing was to deny it and send it back to a by-right development that would use up all of the land.

Mr. Thomas seconded the motion, which carried unanimously (4:0), subject to the conditions recommended by staff as follows:

The Planning Department shall not accept submittal of the final subdivision plat for signature until tentative final approval for the following conditions have been obtained. The final subdivision plat shall not be signed until the following conditions have been met:

1) The following items must be reviewed and approved by the Engineering Department before the final plat can be signed:

a) The finished elevations of the road and bridge deck, as shown on the road plans for this subdivision, should assure that the Ivy Creek crossing is above the 100-year flood elevation. For purposes of determining whether this requirement is satisfied, the County Engineer shall use the "HEC-RAS" hydraulic analysis provided by the applicant's engineer on April 23, 2002 modified to include the proposed road and bridge elevations.
b) A buffer enhancement plan must be approved and bonded prior to final plat approval. [17-321, 17-322] The number of crossings must be kept to a minimum to limit the disruption to the stream buffers. [17-322d (2)]
c) An erosion control plan, narrative, and computations. [14-311, 17-203]
d) A completed application and fee for erosion control and stormwater management. [17-203, 17-303]
e) A stormwater management/BMP plan and computations. Computations must include water quality and detention routings for the 2yr and 10yr storms. [17-304]
f) A completed stormwater management facilities maintenance agreement and fee. [17-323]
g) Road plans, pavement design sheets, and drainage computations. [14-512, 14-304, Policy]
h) All improvements must be built or bonded prior to Engineering Department recommending approval of final plats.

2) The following items must be reviewed and approved by the Department of Planning and Community Development before the final plat can be signed:

a) Provide an instrument evidencing the continuing maintenance of the private roads and open space. [14-313]
b) Submittal of soils report to be forwarded to the Health Department for their approval of drainfield locations. [14-309, 14-310]
c) Coordinate road naming with E911 staff.
d) Reword note #10 to state that "all lots shall have access onto internal private roads only."
e) Show the names and addresses of…holders of any easements affecting the property. [14-302(B)]
f) Submittal of a final plat which conforms to Section 14-303 of the Subdivision Ordinance.
g) Recreational Facilities Authority approval of an easement for the Rural Preservation Development.

Public Hearing Item:

SP 02-018 Rosewood Village Amendment (Sign #30,31) – Request to amend a special use permit to increase the number of beds from 60 to 90 at the Rosewood Village Assisted Living Facility. The property, described as Tax Map 61W Section 2 Parcel 1, contains 2.1 acres and is located at the northeast corner of Greenbrier Drive and Westfield Road in the Rio Magisterial District. The property is zoned C-1 (commercial). The Comprehensive Plan designates this property as Community Service in Urban Neighborhood 2. (Elaine Echols)

Ms. Echols presented the staff report. (See the attached copy of the staff report.) She noted that the site plan was approved in 1998 with a minor revision that took the eight spaces down to seven at the top. The special use permit was issued in 1998 and was developed with this site plan; it would accommodate 60 to 90 beds. The applicant is asking for 90 beds. Staff reviewed this and found that there were no site plan changes that were needed. There were no adverse impacts anticipated. Therefore, staff could not see any reason why not to recommend approval of this special use permit.

SPEAKER FOR REQUEST:

Virginia Tahboub, owner of Rosewood Village, stated that they opened in September and have been very successful.

Mr. Edgerton asked if the discrepancy came from someone writing 60 units when they mean to write 90 units.

Ms. Tahboub stated that they had 60 units, which was the way that they developed the project. As it turns out, the building can accommodate a lot more persons. The Virginia Department of Social Services has said that when they did a space configuration that they could actually put 130 persons in the building. She pointed out that was because they had made such large suites. She noted that there was a point in maximizing the usage. Fire/Rescue has a maximum amount of 250 persons. She stated that they did have the capacity for a larger amount of residents if the need of the community grew.

Mr. Edgerton stated that he was confused because that was different from the staff report. It was originally approved for 60.

Ms. Tahboub stated that they could take it to 90 beds.

Mr. Edgerton asked if they would request 130 for next month? He pointed out that the original approval was for 60 and now they were requesting 90. He stated that the staff report indicates that was a mistake.

Ms. Echols stated that was the information that staff got, but it may have been lost in the translation. She noted that information came from a second source and not from the applicant.

Mr. Kamptner stated that it sounds like the discrepancy is between units and beds. He stated that they have 60 units that could accommodate 90 beds within those 60 units. He asked if that was correct?

Ms. Tahboub stated that it could accommodate 60 or 90 beds.

Mr. Edgerton asked if that was based on square footage.

Mr. Rieley stated that the bottom line is that the building does not change. He noted that the staff report did not indicate a problem with the total of 90.

Ms. Echols stated that was correct. She pointed out that there is nothing on the site plan that changes as a result of this. The building can accommodate 90 beds without any problems. Staff has talked with the building inspector, Fire/Safety about meeting all of the Code requirements, and zoning about the number of spaces involved. The applicant meets all of that. The original special use permit approval was for units, but there seemed to be some confusion about that. When this came back in, zoning asked for clarity in terms of number of beds.

Mr. Cilimberg stated that the point of confusion here is that the original approval was not for 60 beds, but for 60 units. He pointed out that now it would go to 90 beds because zoning wanted that clarification. They would not allow 90 beds in 60 units.

Mr. Rieley stated that there would be no change in the way the building was used at all.

Mr. Thomas noted that the facility was very nice and roomy.

Mr. Rieley asked if anyone else wanted to speak regarding this application.

Katie Hobbs, of Albemarle County, stated that at some point between the 60 and 90, that assumes that you would need more help for that. She noted that somewhere along the line there you would end up with a traffic problem in that area on that corner.

Mr. Thomas moved to recommend approval of SP-02-018, Rosewood Village Amendment, with the conditions recommended by staff.

Mr. Craddock seconded the motion, which carried unanimously (4:0).

The Planning Commission recommended approval of SP-02-018, Rosewood Village Amendment, to the Board of Supervisors with the following conditions recommended by staff:

1. Maximum usage is limited to ninety (90) residential beds in the facility.
2. No part of the property may be utilized for any activities other than those directly related to the adult care residence. This condition is intended to regulate parking; and
3. This special use permit authorizes only an adult care residence which provides an assisted living level of service, as defined in 22VAC40-71-10 as provided under the Virginia Administrative Code.

Mr. Rieley noted that the Board would hear the special use permit on July 3rd.

Work Session

Work Session - ZTA-01-09 Parking Regulations - Proposed zoning text amendment to rectify problems experienced in the application of parking, circulation, pedestrian access, loading areas and other regulations as well as accommodate the Neighborhood Model. (Jan Sprinkle)

Ms. Sprinkle, Chief of Zoning Administration, presented the staff report. (See the attached copy of the staff report.) She noted that they have been working on this for a long time. The Planning Commission has already acted twice on the resolution of intent. She noted that their most recent action was that they took the draft of this text to a focused discussion with the public on April 25th of this year. Although that was not well attended, staff has received a lot of phone calls, letters and emails. The draft that the Commission has incorporated a lot of those comments. She noted that there were a few small items that staff has asked for the Commission's input on. Those things have been spelled out to you as you go through this. She asked that they keep in mind the purpose of the Ordinance as they go through the draft. She noted that they were trying to incorporate the changes to make the Zoning Ordinance parking requirements consistent with the Neighborhood Model and the recommendations from the DISC Committee. They also wanted to make the schedule of the required parking more realistic so they could cut down on the number of required parking spaces. They wanted to add new requirements such as stacking lanes for drive-through businesses. They have had some zoning issues on those on several sites in the County. They were adding some new definitions for uses that currently have problems. Finally, they want to remove some of the design standards from the Zoning Ordinance so that the Commission does not have to do authorizations and modifications every Tuesday. They are going to put those over in an Engineering Design document that has been supplied to you with this draft. The section is

called Section 6.02 Parking Lots Minimum Improvements. That is not up for discussion tonight, but that was where everything being taken out of the Ordinance was going. She noted that they have added several new definitions in Section 3.1. She noted that service industries and shopping centers were two different items that they needed the Commission's input on. They also wanted comments concerning Section 4.12 of the Zoning Ordinance concerning stacking and loading.

Mr. Rieley asked staff to go through the changes point by point. He noted that he was interested in getting this to public hearing.

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Ms. Echols noted that there were some new items that the Commission has never seen and staff wants to be sure that they don't have any problems with these issues.

Mr. Edgerton stated that he had read through this from start to finish and was very excited about the purpose of the ordinance changes. He pointed out that the whole idea was that they wanted it to be compatible with the Neighborhood Model and make sure that parking is not overstressed in the County. He supported minimizing the amount of parking required. He pointed out that he was troubled when he got to the parking schedules because there were many increases in the number of parking spaces. He noted that he was not here when this process began. He stated that if they truly minimize the parking requirements, then maybe it would be less convenient for people to spend so much of their time and energy in their cars. He noted that maybe they would carpool or travel together. He noticed that some of the developers often time put in more parking than they need in a commercial zone or in a regional center as a marketing tool. He noted that he would like to minimize what is required but maybe even go one step further and minimize the amount allowed because cars have become such a dominate part of our whole community which was part of the problem they were dealing with day to day. This would be an opportunity to fit In with the Neighborhood Model and with what DISC was recommending getting people out of their cars and more in other forms of transportation.

Mr. Cilimberg suggested that they go over the asterisked items.

Mr. Edgerton noted that none of the ones he was concerned with were asterisked.

Mr. Rieley stated that this was a draft to go to public hearing to begin the process. They don't have to resolve the issues at this level, but it was important to get everyone's concerns.

Ms. Sprinkle stated that it was a fine line in where to decrease, increase and how much parking should be provided. She noted that in this amendment they were trying to find the proper numbers for all of the uses and then offer reductions for all of these other things such as shared parking and the transportation demand management. Staff noted that they have also added a cap on the total number of parking spaces that anyone can actual construct. She pointed out that they needed to make sure that they had the schedule fairly precise so they don't' underpark and then create problems with parking on the street.

Mr. Edgerton noted that if you increase the parking requirements per the schedule and then you give people a break for doing creative things, then they might be right where they started.

Ms. Sprinkle stated that they would start at definitions and look at the service industries. She stated that service industries are defined on page three. She noted that this suggested definition was to address the problem they had with Value America bringing in lots of people and using all of the parking spaces in everywhere that they rented space.

Mr. Rieley suggested that staff find out the effect that the telephone survey business had on Seminole Square's parking.

Ms. Sprinkle stated that she could call the City and ask them about the telephone marketing use. She asked if the definition seemed specific enough that someone would understand that it would not be for a real estate office. She noted that it had been brought up at the public discussion that they should try to modify the definition a little bit. She noted that State Farm had small cubicles, but they never had a problem with that before.

Mr. Edgerton suggested that it might be clearer to leave off the ones that have been named and just say any business that employees perform their work through telephone or computers. He asked if they could take out by telephones or computers and just sat in small cubicles.

Ms. Sprinkle asked if that would hit on manufacturing. She stated that might be a good idea.

Mr. Edgerton stated that the danger of listing them is that you might forget some.

Ms. Sprinkle stated that the next issue was shopping centers. She asked how many businesses are necessary for one shopper to go to multiple stores. She noted that they have had many discussions and have had to guess at a number. She stated that they had picked ten. She stated that it seemed like a reasonable number. She asked if 25,000 square feet the correct threshold size. They picked that number because of the parking chart that they have already adopted on page eleven. She noted that this was the chart that was adopted for the Planned Development Shopping Center District and all parcels that have that PD-SC and PD-MC zoning on them are now using this chart. The idea was that they could get more shopping centers to use this chart which was much less parking than if they look at each use individually. She pointed out that in shopping centers zoned C-1 that they had to add up the parking for every business individually. Staff wanted to be able to include other shopping centers with other zoning in this.

Mr. Edgerton asked what 25,000 was for.

Ms. Sprinkle stated that it would be a minimum of 25,000 square feet of gross leasable area for all of the shops in the shopping center.

Mr. Rieley stated that seemed to be a pretty low number, but thought they should be able to error on each side.

Mr. Edgerton asked that they drop it down to 10,000.

Mr. Rieley stated that would not be much of a shopping center.

Ms. Sprinkle stated that they were leaning toward including personal service things such as barbershops and beauty shops.

Mr. Thomas asked if they would include dentists.

Ms. Sprinkle stated that they did not want to include dentists because they just increased their parking.

Ms. Sprinkle noted that it was hard to know until you actually applied the numbers.

Mr. Rieley noted that everyone seemed to be comfortable with the shopping centers.

Mr. Rieley asked if they have addressed Mr. Edgerton's concern about ceiling the number of spaces.

Ms. Sprinkle stated that that on page two of the staff report and on page five of the text, the maximum number of spaces was addressed. She stated that the number of parking spaces in a

parking area may not exceed the number of spaces required by this section by more than twenty percent.

Mr. Edgerton asked whey they needed to allow them any more.

Ms. Sprinkle stated because parking was not a precise science. There were other places like the Wal-Mart or Lowe's who wanted some extra parking so that when they have extra things going on that they do have additional parking available.

Ms. Echols added that right now it is totally unlimited. The thought that if they go from totally unlimited to totally limited that it might be too drastic a step to take in one step.

Mr. Craddock asked if that helped if they decided to add another building or use.

Mr. Cilimberg stated that would depend on how much space they had to provide for that additional parking.

Ms. Sprinkle pointed out that Fashion Square was a good example that doesn't use all of the parking except on the day before Christmas. Staff agrees that it was unnecessary to have those big seas of parking just sitting there unused except for a few days a year. She pointed out that their plan was to sell that and put in a new restaurant. She stated that with the new chart they are way over the required parking.

Mr. Edgerton asked if they have had any reaction from people who want to put in more parking than required.

Ms. Sprinkle stated that she had not, but noted that she did recall Wal-Mart not being allowed to put in as many spaces as they wanted a few years ago.

Mr. Rieley asked if anyone was of the opinion that the twenty- percent might be a little too much.

In consensus, the Planning Commission asked that the twenty percent be lowered to ten percent and wait to see if there is an outcry from the public at the hearing.

Ms. Sprinkle stated that the change would be made to ten percent. She noted that the next item was restaurant that was asterisked.

Mr. Edgerton stated that areas of assemblies had an increase in the parking. He asked if that had been problematic.

Ms. Sprinkle stated that it had not been a problem because the newer churches have built more parking spaces than what we require. They have heard from the churches that the one to three is a good standard. They have had a couple of requests for one to two.

Ms. Echols stated that staff feels that the requests for one space for each two seats was too many. Therefore, they suggested that it be one to three and then ten percent over. She pointed out that the larger churches were doing that.

Mr. Rieley stated that they were likely to hear complaints about the cap. He pointed out that this was one use that would benefit by shared parking, but they seemed to be reluctant to use it.

Mr. Edgerton asked if there were other commissioners who would like to leave it like it was. He asked if they were really trying to reduce the amount of asphalt in Albemarle County, why were they doing this?

Mr. Rieley noted that they need to remember that the one to four is the minimum and we are making it with a ten- percent maximum. He stated that if they were hearing that the two to three is unrealistic, then it seems that starting in the mid-range seems reasonable.

Mr. Thomas stated that they might hear comments from the residents around the churches that they would like to see more spaces.

Ms. Sprinkle stated that there were concerns about parking on the streets.

Mr. Craddock suggested that they wait to the public hearing to see if they say anything about reducing it from one to three or one to two.

Mr. Rieley suggested reducing it from four to two to start the discussion.

Mr. Edgerton noted that he had the same concern with the contractor's yard which staff wanted to increase the parking from one space to two to one space per employee.

Mr. Craddock questioned the parking for the ATM at banks because they have plenty of parking.

Ms. Sprinkle stated that at a bank where it was the drive-through style, they used the same parking as for a drive-through lane. She noted that they all would not be required to have the five stacking spaces. She pointed out that they have had two requests for ATM's to be located in the wall of the building for walk up ATM's.

Mr. Craddock stated that was like Bellair Market that had to have the parking spaces for the market plus two for the ATM.

Ms. Sprinkle stated that staff did not find that they would be adding traffic to that facility. She pointed out that there was an actual zoning determination made that require those two spaces and this would just be codifying the determination. She stated that if the ATM was inside the building that the extra spaces would not be required because it would just be an accessory to the store.

Mr. Edgerton asked how they defined employee in the contractor's yard parking determination.

Ms. Sprinkle stated that it would be the people that are actually working at that site.

Mr. Edgerton asked if someone came by and was working in a crew out on a job site if he would not be counted.

Ms. Sprinkle stated that was correct. She pointed out that they would see that on all of the industrial standards. They all were previously one space per two employees and they proposed to change that to one to one. She stated that they were trying to get the right number so that they did not under park and that they have enough parking for their employees.

Mr. Thomas asked if they had addressed underground parking.

Mr. Cilimberg stated that they would be required the same amount.

Ms. Echols noted that structured parking was addressed later on. She stated that they would be looked at it like shared parking or a parking schedule that you would provide with a parking study.

Ms. Sprinkle noted that they would add a notation to the construction yard that it will be one space per employee on site and not per vehicle.

Mr. Edgerton stated that he just went down and underlined all of the increases in the proposed schedule. He pointed out that there were eight increases proposed with only one decrease in all the proposed changes in the schedule. He noted that was contrary to what they wanted to do.

Ms. Sprinkle pointed out that the multi-family dwelling and shopping center both decreased. In addition, the recreation has decreased because of the allowance for pedestrians. She noted that veterinary also decreased.

Mr. Craddock asked about the schools.

Ms. Sprinkle stated that they have increased the parking for public schools. She noted that they had not heard from the private schools.

Mr. Craddock stated that at Monticello High School he understood that the policy was that the seniors get first choice, then juniors and then if there are any spaces left the tenth graders can have a parking space. It is a senior privilege to be able to drive to school. He felt that students should ride the buses as much as possible.

Ms. Sprinkle noted that she could not set the policies for the schools. The schools certainly could set their own policies to say that students should not drive. If they are going to drive, then we need to include parking spaces for them.

Mr. Edgerton asked how may students per parking space? She asked if the schools typically overbuild the parking lots?

Ms. Sprinkle stated that they do tend to overbuild.

Mr. Rieley noted that it was viable point and was a policy issue. If the County were to take a position that there would be a limited number of parking spaces, either one to three or one to four whichever is the one, and then schools would have to determine how to allot them. That would be our policy affecting their policy and he was not sure if that would be a bad thing.

Ms. Sprinkle stated that if we change this and reduce the number of spaces, she was sure that we would be hearing from the schools. She pointed out that the school's facilities folks are the ones who gave staff this number of parking spaces needed. They feel that it is the adequate number for their current policy. That may be a discussion that the Commission might want to have with the School Board or administrators.

Mr. Craddock ascertained that the facility and staff were included in the one to eleven parking spaces.

Mr. Edgerton noted that her position was since we don't have any limits at all, that we should listen hard to staff's recommendation and put a ten- percent cap on it and see how the public reacts. He noted that currently there was no limitation on it and you can build as much as you want in any situation.

Ms. Sprinkle stated that unless there is a legislative act accompanying it, the site plan could have as many parking spaces as it wants.

Mr. Cilimberg noted that provided it does not get into some other aspects of the ordinance that might it might require critical slope waivers or distance from the front door. For commercial it was a waiver at 600 feet.

Ms. Sprinkle stated that it was 500 feet, but they have removed that.

Ms. Echols stated that they were recommending that it disappear in this draft.

Mr. Cilimberg stated for other reasons not to do with parking areas, but the idea was that if you were building town centers and want to have parking structures that serve areas, there will be a lot of businesses that aren't within 500 feet of that parking structure.

Ms. Sprinkle stated that they wanted to encourage the shared parking concept so we need more distance. Then let the market figure it out how far they think people will walk from their car to their business. The next big asterisk is restaurant. She noted that the stacking spaces were a concern. She asked how long anyone would wait when they see cars in a line.

Mr. Craddock stated that he would only wait for two.

Ms. Sprinkle noted that they were proposing requiring the stacking of seven cars. They started at ten and heard a lot of outcry from the public on that. Therefore, they reduced it down to seven for drive-through restaurants.

Mr. Cilimberg stated that the stacking is suppose to be not obstructing any parking spaces. These seven parking spaces would have to be in areas where there was no parking.

Mr. Craddock asked if that was from the window they serve you from or the order window.

Ms. Sprinkle stated that it was from the ordering board.

Mr. Edgerton stated that was about 140 feet.

Ms. Sprinkle assured the Commission that they wouldn't want more than seven.

Mr. Cilimberg noted that there were a lot of them that don't need that right now, but there were some that do.

Mr. Rieley asked why is it in our interest to increase that functionality of those restaurants.

Ms. Sprinkle stated that are not going to end up with less impervious, but hopefully they will alleviate some road rage, traffic jams, and problems in shopping centers. She noted that they receive a lot of phone calls from unhappy citizens who can't imagine why the County has approved a shopping center with these stacking lanes that block them into their parking spaces or block up the traveling isles. She noted that it was a big issue. She asked if seven was the correct number.

Mr. Cilimberg stated that currently they probably have about three before you were in the parking area.

Mr. Craddock noted that it would be to the restaurant's advantage to have fewer and keep them moving.

Mr. Thomas noted that it would be either stacked or stationary parking, so what would be the difference.

Mr. Edgerton stated that it was in additional to the parking spaces.

Mr. Cilimberg noted that there is a good chance that this and an application is going to raise some real concerns. You may hear about this during the public hearing that too many stacking spaces will not be able to be handled by the sites or run the risk of obstructing some of their parking. He noted that had already happened.

Mr. Rieley stated that the smallest amount of pavement for anybody's business is good and they will be the one to be hurt the most. He noted that they should not required anymore parking than what they feel that they need. He felt that three stacking spaces were adequate in places where cars were backed up. He had no idea or how to figure out how many were needed.

Mr. Thomas agreed that they needed to minimize the parking spaces.

Mr. Rieley suggested starting at five and then seeing what people have to say.
In consensus, the Planning Commission recommended five stacking parking spaces be used.

Ms. Sprinkle noted that staff would reduce that to five. She stated that was the end of her questions. She asked if there were any other questions.

Mr. Edgerton stated that he had been discouraged because he was excited about the opportunity to reduce the amount of totally pervious surface by using some porous pavement underneath the parking spaces that is a science that is fairly well understood now. He pointed out that he was at odds with the County Engineer on this, but noted that he was not here to address the issue. He asked if that was what staff was referring to in allowing alternative services to asphalt

Ms. Echols stated that was correct, but right now alternative services are only allowed in an overflow situation. She noted that there were so many other places potentially that alternative services could be used. She pointed out that section has gone out of the Ordinance and into the Engineering Manual.

In reference to page three in the middle of the page, Mr. Craddock asked if that included shared parking for a restaurant that wanted to use the school parking for overflow that was located on the opposite side of the street.

Ms. Sprinkle stated that they had built in the term major road was major collector with the VDOT standard.

Mr. Craddock asked if that would be Route 250 and upward or a little route like 729.

Ms. Sprinkle stated that Route 729 would be a major collector.

Ms. Echols noted that the opportunity would be there to modify that if there were safety improvements provided.

Ms. Sprinkle stated that would be like shuttle buses or some other means.

Mr. Cilimberg stated that then you could talk about the more urban scale town center approach. He noted that the intention was to not to have the streets within that area to restrict the opportunity to put the parking across the street from the business. When you get to a road that is really oriented to through traffic in some volume, like Berkmar Drive, that would qualify as a major collector. He pointed out that it would not be allowed without special accommodations for the pedestrians that would be crossing the street.

Ms. Sprinkle stated that would be things like warning lights or whatever they provide would be up to the Director of Planning.

Mr. Cilimberg pointed out that in Crozet there was an example of shared parking across the street from a restaurant that used a signal for a pedestrian crosswalk. The signal has pedestrian cycles in the signal at the crossing. He noted that would be considered acceptable.

Mr. Rieley asked if they needed to take action on the hearing.

Mr. Cilimberg stated that they could set the hearing if the Commission was ready.

Mr. Rieley stated that he would like to make one more request. Because of the nature of the specifics, he would like this to be structured so that the public hearing is given more than an opportunity to just say their piece; but in fact is really given an opportunity to provide information. Then after they have gathered that information, the Commission could reconvene and discuss this in better detail and make several revisions before they finish this. He suggested that they really take the public's comments very seriously.

Mr. Thomas asked if he was looking for specific numbers?

Mr. Rieley stated that they would have people with strong opinions about this number is too high or too low. He noted that they do not know what the actual numbers are. Staff has done a great job in gathering those from lots of sources, but he thought when this was on the cusp of becoming an ordinance he thought they would hear a lot about it.

Ms. Sprinkle stated that they have used a lot of planning documents to get their numbers, but every community has its own specific traffic situations with the number of cars.

Ms. Echols asked if there were any suggestions on how they could get the word out. They tried for the focused discussion method by sending notices to the Chamber of Commerce, made telephone calls, sent special notes and requested that information to be sent out to their members. She noted that they received very little feedback by using that particular method. Staff had hoped to do exactly what they were talking about. If there were something that they could think of that would assist them in getting people this information so that they will get it back to staff, they would appreciate it.

Mr. Rieley noted that beyond just putting out the word that there will be a public hearing on an ordinance change that will affect something that affects you directly being parking relative to your business or church and the amount of impervious surface in general in the County. He felt that there would be a lot of people interested in this from a lot of different points of view.

Mr. Edgerton stated that it would be wonderful to structure the public hearing to focus a certain period of time on the pragmatic public that could come to some consensus in what is the right number for these issues. He suggested that they contact individual users and ask them to put together someone to speak to that. He asked if there was a way to get a citizen's committee together to include the users?

Mr. Rieley noted that he has heard from people who have built projects under our current ordinances that think that we are requiring more parking than we need. He noted that there were some churches that pop in his mind that if they propose the numbers we are talking about will say that is too little. He felt that information from as broad a constituency that they can get it would really help us.

Mr. Thomas agreed with Mr. Rieley that it needed to be available for the public to know about it.

Mr. Edgerton suggested incorporating public service announcements on the radio rather than just an ad in the paper.

Mr. Craddock stated that the newpaper ad was so legally sounding that the public does not realize the actual outcome.

Mr. Cilimberg stated that the Ordinance has to be complete when it is advertised and be run three weeks before the meeting. He noted that they could do direct mailing of the proposed Ordinance to the list of people that we have had these contacts before. He suggested that they do a block ad in the newspaper rather than a legal ad and still satisfy the requirements. He noted that would

pull it out and make it more identifiable for people. He suggested that they could let the media know possibly through press release and that would be another mechanism that they could work with community relations with the County.

Ms. Sprinkle suggested notifying the Bar Association since they represent a lot of businesses. She stated that they could get one copy to the primary groups and have them distribute them themselves.

Mr. Rieley stated that he hoped that it would generate useful information when would make their job easier, even if people don't agree with the proposed numbers. He asked if staff needs an action from the Commission.

Ms. Sprinkle stated that they did not, but certainly appreciated their input. She noted that staff would notify the Commission of the next public hearing date.

To summarize, the Planning Commission held a work session on ZTA-01-09, Parking Regulations. They went over staff's proposed draft of ZTA-01-09 dated 05/21/02 and made comments and suggestions. These comments and suggestions will be outlined in the minutes. The Commission requested staff to advertise and schedule a public hearing to receive comments and suggestions from the public at the beginning of the process before the language was finalized. Discussion was held on the different means/ways of notifying the public of this public hearing date. Some suggestions included the following: direct mailings to list of people with interest church associations, media release, distribution to primary group associations, and the use of block style ads. No formal action was taken. Another work session will be scheduled.

Old Business:

There being none, the meeting proceeded.

New Business:

There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:00 p.m. to their next regular meeting on June 2, 2002.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Taylor, Recording Secretary)