Albemarle County Planning Commission
July 23, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 23, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein, Chairman; Tracey Hopper; Rodney Thomas; and Pete Craddock. Absent from the meeting were William Rieley, Vice-Chairman; Bill Edgerton and William Finley.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Jan Sprinkle, Chief of Zoning Administration; and Greg Kamptner, Assistant County Attorney.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded.

Review of Board of Supervisors Meeting – July 3, 2002 and July 10, 2002

Mr. Cilimberg reviewed the Board of Supervisors actions for July 3, 2002 and July 10, 2002. He stated that the Board took the following actions:

- ZMA-99-13 and SP-99-059, Young America was approved with the proffers and conditions that were recommended.
- There was discussion on the Neighborhood Model amendments to the Land Use Plan that was deferred to the following week to allow all of the Board members to be in attendance. On July 10th the Board approved the Neighborhood Model amendments to the Land Use Plan as modified in a recommendation by DISC II.
- The Fill and Waste Zoning Text Amendment was approved on July 3rd. He noted that it did include asphalt in what could be buried.
- The Four Seasons Learning Center special use permit was approved as recommended.
- The Rosewood Village special use permit amendment was approved.
- The fee changes to the Zoning Ordinance and the Subdivision Ordinance were approved to become effective August 1st.
- The Albemarle Nursing and Rehab Center special use permit was approved with six conditions, which included the five conditions recommended by the Commission plus one condition added by the Board which had to do with storm water management facilities. He noted that the critical slope waiver was also granted for that project.
- Marks Construction special use permit was approved with the conditions recommended by the Commission.
- Pine Crest Orchids special use permit was approved with the conditions as recommended by the Commission.
- Carriage Gate Apartments rezoning was approved with proffers.
- The continuation of the Blue Run Agricultural District was approved.
- Clifton Inn asked for a deferral on the consideration of their expanded seating and parking at Stone Robinson Elementary School.
- He stated that the ACE Program is moving along to now reach the closing on the purchase of the first round of four easement acquisitions. The second round of applications is currently under review. The third round of applications are due on September 1st. There will be an event that will include the Secretary of Natural Resources, Tayloe Murphy, here in the Charlottesville area on August 8th to commemorate the first round of purchases. The ceremony will be held on property near Red Hill School.

Consent Agenda:

Approval of Planning Commission Minutes: May 21, 2002, May 28, 2002 and May 30, 2002

SDP-2002-064 North Fork Research Park, District #2 (Emerging Technologies Center #2) Major Site Plan Amendment – Waiver for parallel parking. (Yadira Amarante) - Tax Map 032, Parcel 6A

SDP-02-047 Montessori Community School (Pantop Campus) Critical Slope Waiver - Tax Map 078, Parcel 12A – Waiver of Section 4.2.3.2 of the Zoning Ordinance which prohibits disturbance of critical slopes. (Yadira Amarante)

SDP-2002-060 Jefferson Quarry Building Final Site Plan– Parking Modifications (Stephen Waller) - Tax Map 060, Parcel 48A

Ms. Hopper moved for approval of the consent agenda as presented.

Mr. Craddock seconded the motion, which carried unanimously (5:0).

Public Hearing Items:

ZTA-01-09 Parking – Repeal Section 4.12, Off-street parking and loading requirements, and all of its subparts; repeal Section 4.13, Parking and storage of certain vehicles, and all of its subparts; add new Section 4.12, Parking, stacking and loading, including subparts; and amend Section 3.1, Definitions, Section 15.2.2, By special use permit, Section 16.2.2, By special use permit, Section 17.2.2, By special use permit, Section 18.2.1, By right, Section 18.2.2, By special use permit, Section 19.3.2, By special use permit, Section 20.3.2, By special use permit, Section 20.4.2, By special use permit, Section 20.5.2, By special use permit, Section 22.2.1, By right, Section 22.2.2, By special use permit, Section 23.2.1, By right, Section 23.2.2, By special use permit, Section 24.2.1, By right, Section 24.2.2, By special use permit, Section 27.2.1, By right, and Section 28.2.1, By right; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would establish new parking, stacking and loading regulations applicable to new uses, structures and parking areas, redeveloped sites, and preexisting and approved parking, stacking and loading areas; define certain terms used in new Section 4.12; and delineate in which zoning districts parking may be a primary use by right or by special use permit. (Jan Sprinkle)

Mr. Cilimberg stated that Jan Sprinkle would have the specifics in case there were any detailed questions. He stated that for the purposes of getting started in having a public hearing, he noted that on May 28th the Commission held a work session on this proposed ordinance and directed staff to make some modifications. One of the changes requested was the amount of parking in excess of what the parking schedule would call for to be allowed at 10 percent above that scheduled amount versus the 20 percent that had been recommended. He stated that change was requested to be done prior to the public hearing. The Commission asked that staff make sure that there be plenty of public notice regarding tonight's public hearing in order to obtain as much input as possible from all interested parties regarding parking proposals. He noted that staff has incorporated a change that brings in some of the design requirements that they anticipated to reference and include in a design manual. After consultation with the County Attorney, staff found that these design requirements needed to be included in the ordinance. He pointed out that was what was before them tonight. Staff has not planned to go through the specifics of this unless they had specific questions. All the public comment that staff has received to date is included.

Mr. Loewenstein asked if everything has been incorporated that they have suggested.

Ms. Sprinkle stated that there were a few things that were unintentionally omitted in the first draft that have now been included.

Mr. Loewenstein asked before they opened the public hearing if Ms. Sprinkle or any Commissioner had any questions. There being none, he opened the public hearing for ZTA-02-09. He stated that two persons had signed up to speak. He invited Ms. Joseph to address the Commission.

Marcia Joseph stated that she had a couple of comments and questions for staff.

- She noted that the first section 4.12.4 (a) talked about the number of spaces not to exceed 10 percent of the minimum required spaces. She asked if they would consider putting something in there for a big shopping center that might want to do park and ride so that there would be an ability to add more parking spaces than the ten percent considering that it might be justified.
- The other question deals with Section 4.12.6 that is the definitions. She noted that the ATM requires 5 spaces per drive-up. She questioned why 5 spaces would be needed if you were driving through.
- She stated that the parking schedule for the church has been changed from one space per four fixed seats to one space per three fixed seats. She asked that consideration be given to historic church properties in the Rural Areas under Section 5.1.38 for a reduction in the amount of parking and asphalt that they don't currently have. While working on several church projects in the past, she found that whenever they do anything that they need to justify that they have the required parking for what is there now before you do anything else.
- In Section 4.12.11, stand alone parking, where you talk about parking structures or just a parking lot on a piece of property not attached to anything, she asked if someone was designating this parking on a separate parcel for a use that is zoned HC, does the parking parcel have to be also zoned HC. She asked if they have to be compatible zoning districts.
- She asked that they review Section 4.12.15.f.3 because it appears that it might be defeating some of the Neighborhood Model principles. Section 4.12.15.h says it shall be provided and should be private. In Section 4.12.18.a she asked if the loading information was redundant because it was already in the ordinance.

Rip Cathcart stated that he had just recently become familiar with the issues and wanted to speak to the proposed changes as they apply to apartments since he has been active in apartment development in Albemarle County for the last 8 years. They have developed both Carriage Hill (304 units) and Lakeside Apartments (348 units). He noted that their observation was that the current Ordinance was more than adequate. The proposed changes ask for an increase in the number of parking spaces for three-bedroom units and a parking space would be added for each four units for guests. From their experience at Lakeside and Carriage Hill, he was not aware of any problems that would be a rationale for this increase. He noted that they have had no parking problems. If you drove through either apartment complex in the evening, you would see that there is a lot of parking spaces not being used. From discussions with his managers, his understanding was that the demographics are moving in the opposite direction of what this proposed change indicates relating to occupants per unit. He stated that five years ago their two-bedroom units averaged 1.9 people per unit, but now it was 1.6. He noted that there were fewer people occupying specific unit types. He stated that would indicate that a change is not necessary. The other reason he was urging that they not change the current parking ordinance as it affects apartments is that it is counter to the objectives of the County. It is not only going to be a wasted expense, but would increase the pervious area in our developments as well as decrease the green space. For all of those reasons, he urged that they not change the parking ordinance as it affects apartments.

Mr. Loewenstein stated that was all of the persons listed on the sign up sheets. He asked if there was anyone else present to speak.

Don Franco stated that he would follow-up with giving a more detailed handout to staff that could be passed on to the Commission. Since he only had three minutes, he just wanted to focus on a couple of points.

- The first issue is Section 3.1, the definition of shopping center, which they previously discussed with Rio Square. For a neighborhood-sized center such as Village Green, they were finding that 65 percent is about the maximum parking space usage. A shopping center like that would not qualify as a shopping center according to this definition and ends up with higher traffic requirements imposed. He asked that they again take a look at that and look at local examples such as Village Green to make sure that it makes sense.
- He echoed Mr. Cathcart's comments about dwellings. He noted that he had reviewed several townhouse projects and found the following:
  - Ashland Townhomes, located in Forest Lakes South PUD, has 45 units and required 90 parking spaces. Under today's proposal, it would require 124 parking spaces.
  - Gateway had 138 spaces required and 190 spaces would be required now.
  - Weblands, a project on Hydraulic Road, requires 80 spaces now and would require 110 spaces. He pointed out that it was a fairly significant increase and providing those spaces would come at the expense of eliminating units. He asked that they look at those.
- The other point would be in relation to the Neighborhood Model and how it works. The fewer buildings that we have, the harder it is going to be to shield or to relegate the parking behind the building as the parking lots get bigger and we have to go with fewer buildings.
- The other issue is the specific design requirements that went in Section 4.12.15.d. Specifically, he wanted to address the 100-foot site distance issue. He asked the Commission to think about the large parking lots such as Giant, Foodlion or any large shopping center and consider what the impact would be at the end of most of those isles of parking that you see a planting island. He noted that he had looked at Giant Shopping Center and Forest Lakes Shopping Center. When he applied the standard for the 100-foot site distance, he found that they were going to lose the first four spaces on the end of each isle. He noted that would include the first two spaces and the two spaces behind it. If they had to redesign Forest Lakes Shopping Center under the proposed ordinance, they would have 48 parking spaces that they would have to relocate somewhere else. He noted that looking at Giant, it had a similar magnitude. What they were seeing is that the parking lot was going to end up bigger by these criteria. He questioned if this was by necessity because they had a lot of problems or if nobody has really looked at how the standards will be applied.

Chuck Rotgin, of Great Eastern Management Company, stated that they had been working in this area for over thirty years. They have developed across the spectrum of shopping centers, apartments, townhouses, office buildings and the like. He noted that a letter with a table had been submitted to Jan Sprinkle on July 1 with some comments. He asked to flip through the proposed ordinance and give some suggestions that they would like to make.

- On the top of page 4 of the draft, Section 4.12.2 Applicability, between each change he suggested that they put in the word substantial. That would read, "Into each substantial change or intensification of any use that necessitates more than some number, blank percent, which he would propose 10 percent of additional parking." He added some additional language that under the requirements of this parking, stacking and loading regulation which would go at the end of the sentence.
- In 4.12.2(c), below that in the second line after 4.12.7, that and should be struck.
- Due to the time restraints, it was impossible to discuss the summation paragraph down below c), but it seems that there ought to be some provision that an existing property owner could request of the County that the new parking ordinance requirements be applicable to that particular property. He would like to take this issue up with the staff.
- Section 4.12.3, in the last line, the spaces shall require a "minor" amendment to the site plan which was on the bottom of page 4. He noted that they needed to know whether it was a minor or a major amendment to a site plan and how it would be treated so not to be left up in the air.

- On the next page regarding Section 4.12.4, he echoed the point that Ms. Joseph made which he had addressed in his letter. He noted that the 10 percent, given the fact that you are now reducing the number of parking spaces required, that he did not believe that it gives enough flexibility to accommodate some uses.
- On page 6, Section 4.12.5, Location of parking areas, in subparagraph c) at the bottom of the page, this echoes the comment that was made by the others. In order to be consistent with the Neighborhood Model, he asked that "to the extent possible" should be struck and exchanged for, "It is preferred that parking areas should be located to the rear or to the side of the building." He noted that would make this particular provision consistent with the recently adopted Neighborhood Model.
- At the top of page 7, he echoed the comment that Ms. Joseph made that five parking spaces for each drive-up type of tenant seems to be duplicate.

Mr. Loewenstein asked Mr. Rotgin if in the interest of being fair to everybody, since he has exceeded the three minutes, if he had a lot more.

Mr. Rotgin stated that he did not have a lot more to cover, but that the few items were important.

Mr. Loewenstein stated that he would try to allow him to finish if he could be brief.

Mr. Rotgin thanked Mr. Loewenstein for the additional time. He continued with his concerns as follows:

- He asked that staff provide an explanation on why the church parking regulations were increased by 25 percent from one (1) space to three (3) fixed seats to one (1) space to four (4) fixed seats. He noted that was a significant change, particularly when they were trying to work a church into a Neighborhood Model integrated type of project. That adds a pretty significant addition.
- Under Dwellings at the bottom of page 7, where you have three (3) spaces per unit for a single-family dwelling, he asked why you could not allow two of those spaces to be attributed to a garage.
- On the top of page 8, this gets into what Mr. Cathcart was just talking about. He asked that they look at the schedule that he attached to his letter. He noted that it reflects the actual experience at Barclay Place which is an upscale apartment project property that has been around for over a dozen years. It has virtually been 100 percent occupied since its inception. There are no parking problems, and; in fact, they have too much parking there. He noted that it would be much nicer to turn some of the parking into green area.
- On page 12, Section 4.12.7, in the paragraph at the top of the page in the next to the last line, it says uses and mixes and relevant considerations. He asked that they include the language, "including parking studies submitted by the applicant." He pointed out that traffic reports are required in almost all other situations.
- On page 15, this requires some discussion that he did not want to do tonight, but he would be happy to answer any questions. He noted that they are the largest shopping center managers in the area and have built lots of them. Clearly the requirement of having a loading space every 8,000 square feet are clearly excessive. He pointed out that his letter addresses that. He noted that deserves some additional thought.
- In Section 4.12.14 on page 16 in the second line, "Each parking, stacking and loading area serving a use or structure lawfully established or approved in a . . ." should state in a final or a preliminary site plan. He noted that there ought to be a provision where existing property owners can come back to staff and request that the current ordinance be made applicable to the existing property.
- In Section 4.12.14.c, it refers to Section 6.0 at the end of that. He asked what is Section 6.0?
- On page 17, the two items at the very top of the page, the maximum grade where you are limited to five (5) percent in any one direction, he submitted that at Westgate and Barclay Place they have parking on slopes of 6.9 and 12.25 percent. The 12.25 percent is a little

excessive, but the 6.9 percent is absolutely not excessive. He suggested that amount should be seven (7) percent.

- With respect to site distance, Mr. Franco brought up a very good point that needs to be reviewed. He felt that the 100-foot site distance is going to require some major changes because it will not be consistent with the Neighborhood Model in shopping areas.

Mr. Rotgin thanked the Planning Commission for the additional time and would be happy to participate in any discussion.

Kelly Strickland, Planner with McKee/Carson, stated that they had just received the copy of the final draft this afternoon and did not have a lot of time to review this to provide suggestions. He presented a letter prepared by a member of his office to Jan Sprinkle. He stated that he participated in the April 25th Focus Group, but missed the subsequent work session. He noted that he had received the comments and felt that they needed a little bit of clarification. He pointed out that VDOT was in the process of going through some substantial changes in their design criteria for urban areas in particular. He was hoping that they might take a second look at on-street parking and allow a little bit more lead way for developers of site plans to provide for people to park on the street rather than off-street and on-site. One of the things that jumped out at him was that the residential parking was increasing more and more. From the last time, they have picked up a parking space inside of a garage, but they have also added the parking space outside of the garage. He noted that for a residential single-family detached that does not have a garage, now requires an additional parking space versus before. The parking spaces required for a multi-family unit was two, and now it is 3.25 plus another one-quarter of a parking space for guest parking. He wondered where those increases are coming from. He stated that parallel parking states 9 feet and he wondered where that number came from. He asked if there was a possibility to allow for compact cars on site plans. He noted that he did not see anything defining neighborhood shops and parking reduction. He asked how it is approached to be able to reduce parking arrangements when you have two uses in a building. He asked for clarification on green ways, bicycle facilities, and sidewalks. He noted that other things to consider were the proximity to shops, proximity to work and proximity to places to play which leads into the parking requirements. He noted that the parking requirements were too rigid. He stated that a good planner could lay out a park with five or six parking spaces and have on-street parking. He felt that there should be a way to design a park without every single person in the park having a parking space. He felt it would be difficult to design a park with some of the restrictions he had seen. He agreed with the comments concerning the churches and the parking studies.

Mr. Loewenstein asked if there was any additional public comment. There being none, he closed the public hearing and brought the matter before the Planning Commission for discussion. He stated that it would be difficult for them to respond to some of the specifics that were raised tonight. He asked if staff would like to speak to the origin of some of these things as they appear in this text. One of the themes that they have heard from people this evening has to do with an apparent increase in space requirements which may or may not be borne out by actual practice and how we can relate this more closely to the Neighborhood Model. He asked Ms. Sprinkle if there was anything that she could add to put this in perspective.

Jan Sprinkle stated that staff's recent experiences with churches have been that they want more parking spaces for new larger urban churches. In going back to look at a lot of site plans, she found they are building almost double what has been required in the past or the one in four fixed seats standard. She pointed out that the one to two and one to three was what various churches have suggested. She agreed with Ms. Joseph's comments about the historical churches. She suggested that they try to set up a two-tier standard. She pointed out that the other big issue seemed to be the residential. The first point where that came from is VDOT's current requirement for three spaces for a single-family detached home. From there they started looking at other ordinances and the Planning Advisory Service. They reviewed ordinances from similar sized communities with colleges and universities. Staff reviewed this information and came up with the numbers. She noted that they could certainly look at that. The places where they have

experienced problems in this community are more with townhouse development where there is a very small frontage and they required at least two spaces. That left no on-street parking and they received complaints about not being able to have a guest or a third vehicle. She suggested that staff work on the apartment calculation. She noted that staff has experienced problems with apartments in student housing such as University Heights Apartments. She suggested that staff review these numbers to see if they can be reduced.

Mr. Loewenstein stated that one of the challenges here was to balance the requirements of the Neighborhood Model with a desire to try to minimize parking from other perspectives where ever possible. He supported the avoidance of more impervious surface than is absolutely essential. When the parking requirements are expanded, they are not accomplishing that. He asked if any of the Commissioners that were involved in DISC would like to make any comments.

Mr. Thomas stated that Mr. Watson asked for a change in the DISC II meeting to state that it was preferred on page 6, Section 4.12.5. He stated that he thought it was a good idea to change that wording.

Mr. Cilimberg stated that the wording was in the Comp Plan Amendment and the Neighborhood Model that the Board just adopted which they would go back and make this change.

Mr. Loewenstein noted that there was a question as to how much of a change that language makes.

Ms. Hopper stated that because this supported one of the twelve principles that it should be stronger than preferred and say to the extent possible. She noted that even with language to the extent possible, it was something that they have seen to be difficult to achieve on applications and certainly the Planning Commission and the Board of Supervisors have been sensitive to that. She felt it was important to strongly urge it and not make it something to have an easy out.

Mr. Cilimberg stated that he would go back on the 10th meeting to get that exact language.

Ms. Hopper asked where the 100-foot site distance provision came from.

Ms. Sprinkle stated that the site distance has always been a part of the ordinance. She pointed out that it comes from somewhere in the ordinance, but that Engineering has consistently used that.

Mr. Cilimberg stated that staff would go back and research that with the Engineering Department.

Ms. Hopper asked for additional information about that because if that regulation were in effect, then why wasn't it applied to the Foodlion Shopping Center. She questioned if it changed after that.

Ms. Sprinkle stated that she was not sure. She stated that Mr. Franco said that they were applying it differently.

Ms. Hopper asked to hear from Mr. Franco on this issue.

Mr. Loewenstein asked Mr. Franco to come forward to answer Ms. Hopper's question.

Mr. Franco stated that basically it was his understanding that it is how they were applying it now. Basically, the criteria has been there but specifically in one of the previous versions where they had a diagram that they showed, that they are now removing trees out of there. He noted that it was a constant issue on how do you put a tree in a site easement. Do you limb it up and look underneath it or do you take a standard tree and assume that it will be a ten-year canopy. He pointed out that he asked Marcia Joseph earlier and she said that it would be about at a 24-foot

diameter. He pointed out that one-half of that tree has to be moved out of that site distance. He passed out the one diagram that showed the site distance going over parked cars. It depends on how they are applying it.

Mr. Craddock stated that it would basically mean that you could not park any cars at the end of the isles. He noted that it would be a strict interpretation.

Ms. Sprinkle stated that she was not sure how many people picked up on the street parking that they were now proposing. She stated that hopefully with the Neighborhood Model that they would be getting alleys and streets to accommodate on-street parking. Those will be included as part of the required parking. She noted that there was an administrative approval allowance for the Zoning Administrator to authorize shared parking in a lot of situations. They looked at the total number of required spaces and the hours of the uses, etc. Also, they used parking studies that any applicant can supply. There are lots of mechanisms in here such as the transportation demand model and the transportation demand management module. She noted that they left that open on purpose for consideration. She stated that yesterday she received a letter from TJPDC regarding bicycle and pedestrian uses that they would like us to encourage in our parking standards.

Mr. Thomas asked Ms. Sprinkle to discuss the parallel parking regulation that went from 9 feet to 8 feet.

Ms. Sprinkle stated that she could not speak to the design standards because Engineering strictly does that.

Mr. Cilimberg stated that a lot of comments and suggestions have been made tonight. In all fairness to the public and the Commission, it might be good for us to be able to put together some kind of summary of the comments made and how we see those things being addressed or not addressed in the ordinance and then come back with additional thoughts for the board in a work session. He stated that staff could come back with additional thoughts in a work session

Mr. Loewenstein stated that was exactly what he was going to suggest.

Mr. Cilimberg stated that it would be best if they have a larger board available.

Mr. Loewenstein stated that they have received a lot of useful comments and questions tonight. He stated that they did not want to slow down or stall this item. He asked staff how long they would need in order to get this information back to the Commission.

Mr. Cilimberg stated that they would have scheduled it as a work session one month from tonight. He noted that staff would provide them with the information they need to make a decision that night as well. That way it would not slow this down getting to the Board of Supervisors.

Mr. Craddock asked that they include information on the loading spaces.

Ms. Sprinkle stated that staff had left the retail alone, but decreased both the industrial and the office use. She stated that the Commission has granted numerous waivers of loading spaces. She noted that has now become an administrative issue. She stated that they could go back and get the details to go over.

Mr. Craddock stated that he would like to see as minimal an amount of parking as possible.

Mr. Loewenstein stated that to the degree possible, he felt that the Neighborhood Model should work towards a parking reduction. He stated that they need to keep the total number of parking spaces required down where ever they can. He noted that if they start receiving a large number

of waiver requests, then they would know that it is a situation that they might have to revisit. He favored as little pavement being added as possible.

Ms. Hopper stated that it was obvious that has already been done and that was the goal of these changes. She noted that sometimes the scenarios are more complicated than they appear. Therefore, if they could understand that better or understand the rationale behind that it would be helpful.

Mr. Loewenstein stated that they would like staff to bring back something as soon as possible.

Mr. Cilimberg asked that they plan on four weeks from today.

Mr. Kamptner suggested that they set the item for a work session on August 20th.

MOTION:
Mr. Thomas moved to defer the request to a work session on August 20th based on what they have heard.

SECOND:
Mr. Craddock seconded the motion, which carried unanimously (5:0).

Mr. Loewenstein stated that ZTA-01-09 would be heard as a work session on August 20th. He stated that they could take an action on August 20th without reopening the public hearing.

OLD BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning old business. There being none, the meeting proceeded.

NEW BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning new business. There being none, the meeting proceeded.

ADJOURNMENT:

With no further business, the meeting adjourned at 7:05 p.m.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Recording Secretary.)