Albemarle County Planning Commission
August 27, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 27, 2002 at 6:10 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; William Finley; Pete Craddock and William Rieley, Vice-Chairman. Absent from the meeting were Jared Loewenstein, Chairman; Tracey Hopper and Bill Edgerton.

Other officials present were David Benish, Chief of Planning & Community Development; Elaine Echols, Senior Planner; Jan Sprinkle, Chief of Zoning Administration; Amelia McCulley, Director of Building Code & Zoning Services/Zoning Administrator, Wayne Cilimberg, Director of Planning and Community Development; Mark Graham, County Engineer and Greg Kamptner; Assistant County Attorney.

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

ZTA-2002-003 Accessory Uses and Stormwater Facilities - Resolution of Intent to consider amending the ordinance to a) clarify that accessory uses must be properly zoned for the primary use and to b) permit stormwater detention facilities by right in all zoning districts. (Amelia McCulley)

Mr. Thomas stated that he would like to pull the consent agenda for ZTA-2002-003. He noted that the purpose was because he felt that the resolution of intent was combining the storm water facilities and the accessory uses which may create some problems for the Rural Areas property owners. He noted that one example was if one side of the road was zoned HC and the other side RA, with the same person owning both parcels, who needs an area for fill lines but has no space available on the HC and wants to use the RA for that purpose. He noted that this could not be done the way that the resolution is written. Another problem could be if a farmer is separated from a public road by land, either the same parcel or another, which is zoned to permit agriculture. He asked what the options are for the property owners in the rural area where storm water cannot be separated from accessory use. He suggested that they need to be separated. He asked that Mr. Kamptner or Ms. McCulley enlightened them a little bit on these matters.

Ms. McCulley ascertained that Mr. Thomas was talking about the lines for septic fields in the first example concerning the accessory use issue. She stated that they had packaged both items together that came from a couple of applications. The first one was storm water facilities as a use and where they should be permitted, and secondly; clarifying that accessory uses have to be zoned properly for the primary use. She stated that one of his questions related to the septic lines and whether passing the resolution would prevent that. She stated that it would currently prevent that by interpretation for the septic field example. She noted that it would codify an interpretation that she made recently that would prevent the RA property from being used as a septic field to serve the commercial property.

Mr. Kamptner elaborated that it was an interpretation that is guided by Section 2.1.1 of the Zoning Ordinance. The current language compels the interpretation that Ms. McCulley came up with, unless challenged before the Board of Zoning Appeals. He pointed out that the ZTA was not changing the County's current rules and interpretation other than to state it more plainly. He stated that the other question the Commission had was whether one of them will hold up the other or whether they belong together. He stated that it may be that once they get into the

Ordinance drafting process, and staff is looking at the technical aspects of one part of it, either the accessory use or the storm water management, then they may choose to treat them as separate ordinances.

Ms. McCulley stated that in terms of the accessory use issue, it was just further clarifying a decision that has been made and was really just a housekeeping fix. She noted that the storm water facilities amendment is not housekeeping in that it really will change very clearly in the Ordinance by listing storm water facilities permitted uses based on the zoning of the property and where you can locate storm water facilities. Another one of the questions related to the impact on Rural Area property when you use it for storm water facilities by which this would clearly allow. She noted that it was a policy implication of that amendment that they would have to take the time to look at and have the Rural Areas Planners to consider. She stated that certainly there were many good reasons for allowing it in certain cases in the Rural Areas, particularly if you are providing a regional drainage facility that will serve several properties. She noted that there might be cases where it was not appropriate because it is prime agricultural land and it would disrupt that use or something like that.

Mr. Craddock asked if, for example, a convenience store ran a septic line over in a RA area and they have their drainfield, does the land have to be big enough to accommodate two fields.

Ms. McCulley stated that the current Zoning Ordinance language and the draft language would not permit it unless the property was zoned commercial or zoned properly for the use the septic field was serving. She noted that it would have to have a reserve just as if it was a residence.

Mr. Rieley asked if that linkage was the reason that there are two zoning text amendments rather than two separate actions. He stated that there was nothing in this resolution of intent that would preclude what Mr. Kamptner suggested at a later stage of pulling them apart as two separate Ordinance revisions.

Ms. McCulley stated that was correct and what staff planned to do if they needed to. Staff wants to be able to expedite one if the other one gets bogged down.

Mr. Kamptner stated that a copy of the revised resolution of intent had been distributed.

Mr. Rieley ascertained that the public hearing did not need to be opened and the revised resolution of intent was before the Planning Commission for action.

After discussion, Mr. Thomas moved to approve the resolution of intent for ZTA-2002-003, Accessory Uses and Stormwater Facilities.

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

Regular Item:

Review for Compliance with the Comprehensive Plan (Va. Code 15.2 – 2232) – Water Storage Tank, Southern Urban Area – Proposal to locate a water storage tank to serve the southern Urban Area, primarily Neighborhood Five, and properties in the Albemarle County Service Authority (ACSA) Jurisdictional Area located along Old Lynchburg Road. The proposal includes the development of one 35-foot tall tank with a base elevation of 715 feet. The site would be designed to support the construction of an additional tank, if necessary in the future. The tank will be owned and operated by the ACSA. Developers of the Mosby Mountain and Redfields subdivisions are building it. (David Benish)

Mr. Benish submitted the staff report. (See the attached copy of the staff report.)
The purpose of this review is to determine if the general location of the tank is consistent with the Comprehensive Plan.

The Comprehensive Plan does specifically note the need to provide for a water supply to service this area and also to provide for adequate fire protection.

This location is within the designated Rural Area of the Comprehensive Plan.

In order to serve the area that is designated as development area plus that area that is designated within the Albemarle County Jurisdictional Area for service. The elevation of 735 feet was necessary to provide for adequate pressure to serve this area. Most of those locations are in this general area and are located outside of designated development area with the exception of some elevations around the Redfields and with the Redfields Subdivision.

Prior proposals in that area have had opposition from residents in that area due to the visibility of those locations.

For clarification, the tank does serve properties that are outside the designated development area boundary. The properties are referred to as having the old zoning and have been included in the ACSA jurisdictional area for service. Attachment A and on the wall you will see outlined in the dashed line on the map to the right the properties that are designated to have public service and have more urban zoning R-1 and PRD. This site is located adjacent to those properties.

The other primary issue identified is the visibility of the site. He noted that the cross sections were shown on the exhibit with the line of sight from different locations. Due to the height of the tower and the distances involved, the site would not be significantly visible. There is the potential that when the properties to the east are developed that the tank site could become somewhat more visible. Staff is encouraging that significant screening take place around the proposed tank locations and that the tank be painted in a manner that would eliminate the visibility of the tank.

Staff's recommendation is that they do find that by providing screening and the proper color for the tank that this location is consistent with the Comprehensive Plane. He stated that he would circulate a recommendation that modifies some of the language so that the motion will accurately reflect the proper terminology to use. The recommendations are still for consistency with the Comprehensive Plan.

Mr. Rieley stated that he had one question relating to the suggested language. He stated that the trees shown on the three sections that are cut to provide the screening for the tank obviously are a critical component of the visible impact. He noted that they appear to be about 100 feet away from the tank, but the property line is closer than that. He asked if a provision could be made for an easement to protect the plantings in that area and some provision to allow additional plantings in that area if it was deemed necessary.

Mr. Benish stated that was something that they could consider. Another consideration could be the possibility of minor adjustments to the site to retain vegetation on the properties under control. He stated that either of those mechanisms would be a way to preserve the existing vegetation.

Mr. Rieley asked if there were further questions. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

SPEAKER FOR REQUEST:
Hal Jones, of the Cox Company, stated that he was the representative for the developers of the proposal. He stated that he would be happy to answer any questions.

Mr. Rieley stated that one person had signed up to speak. He asked Charles Hansen to come forward to speak.

Charles Anson, representative for George Telford, President of Redfields Community Association, asked that all of the members of Redfields to stand up and be recognized. He stated that they had sent letters to the Planning Commission expressing their dilemmas and wishes. He stated that they would like the water tank built. He noted that it would make a lot of happy residents in Redfields.

Mr. Grant Pergoy stated that he had one question. He asked what does the Service Authority consider adequate pressure? He stated that when they were talking about the 700-foot elevation, what pressure will that provide at a homeowner's location?

Paul Shoop, Director of Engineering for the Albemarle County Service Authority, stated that area is currently served by a 652 pressure band and this same 50 would reduce it to about 42 pounds. He noted that people who are currently at 20 pounds will have over 60 pounds and the rest of the way down the hill would have higher pressures.

Mr. Rieley thanked him for his specific answer. He asked if anyone else wanted to address this issue.

Mr. Richard Hermann, a resident of Redfields, stated that he lives in the highest part of Redfields. He noted that in the first of June he had a fire in his home. The Fire Department responded with two tank trucks because they were concerned about having enough water pressure in the area. In addition to that, they have to have a booster pump to increase the incoming pressure to 40 pounds. This uses a lot of electricity and is a very noisy thing. He pointed out that he had problems with air in the lines, which was very tough on the faucets, toilets and the washing machine. He stated that they really did need the water tank.

Mr. Rieley invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission.

Mr. Thomas stated that it sounds like the neighborhood was 100-percent for the water tank.

Mr. Finley stated that it was a plus all the way.

Mr. Rieley stated that his one concern was assuring for the future that they have adequate screening for this. He stated that the tank was 35-foot tall and if painted dark brown and if trees were maintained in front of it, he felt it would be well screened. He noted that if anything should disturb that, he felt that they need assurance that it can be planted or replanted or the trees in that area can be protected in some way.

Mr. Craddock suggested that they place a certain number of feet of buffer around the water tank.

Mr. Rieley asked Mr. Kamptner if he had any suggested modifications to this.

Mr. Kamptner suggested that the Commission insert a clause in the third line that all of this needs to be done to the satisfaction of the agent so the visual impacts are compatible with the Rural Area designation by preserving existing vegetation to the extent feasible and supplementing it with additional vegetation. He suggested that they come up with a defined area and then continue on with the language through landscaping and screening.

Mr. Rieley suggested that it be within 100 feet of the tower since it seems that is the area through which the sections were cut.

Mr. Benish agreed that it be within 100 feet in radius or diameter.

Mr. Kamptner stated that the finding would be that the proposals are consistent with the Comprehensive Plan provided the site plan demonstrates to the satisfaction of the agent that the

visual impacts were compatible with the rural area designation after preserving the existing vegetation to the extent feasible within a 100-foot radius of the tower and through additional landscape screening within the radius, by painting the water tank a dark earthtone color, and other appropriate means deemed necessary by the agent.

There being no further public comment, the public hearing was closed and the matter placed before the Planning Commission.

Mr. Thomas moved to recommend approval to move this on to the Comprehensive Plan with the language recommended by Mr. Kamptner.

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

Mr. Rieley stated that the motion passes to recommend approval of the Water Storage Tank - Southern Urban Area because the Commission finds this proposal consistent with the Comprehensive Plan provided that the site plan demonstrates to the satisfaction of the agent that the visual impacts are compatible with the Rural Area designation by preserving existing vegetation to the extent feasible within one hundred feet of the tower, and through additional landscape screening within the radius, by painting the water tank a dark earth tone color, and other appropriate means deemed necessary by the agent. The proposal will be subject to a site development plan approval.

Mr. Rieley stated that the Planning Commission would now hold two work sessions. He stated that because they were three Commissioners short, they would not be taking action on this tonight. He pointed out that they have already had a public hearing. He noted that there would be ample opportunity for additional input. He stated that they limit input from the public to three minutes per person.

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. ***DEFERRED FROM THE JULY 23, 2001 PLANNING COMMISSION MEETING.*** (Jan Sprinkle)

Ms. Sprinkle presented the staff report. (See the attached copy of the staff report.) She noted that the comments and responses should cover everything that happened at the Planning Commission's public hearing. She summarized the big decisions:

- The ten- percent cap on the maximum number of parking spaces permitted.
- The relegated parking issue.
- She noted that everything had been answered except for the controversial policy decisions.
- The County Attorney's Office brought up two concerns: parking as a separate use and structured parking. In light of University of Virginia's parking structure and the public opposition to that. The County Attorney's Office was concerned that we might have something similar if we proceed as proposed. They felt that the best way to address this is to

add some supplemental regulations that would address any potential impacts like noise, site lighting, emission of multiple vehicles being on one site and the off-site impacts such as safe and adequate access. She suggested that staff set up some supplemental regulations and come back to the Commission with a package that was just a Section 5.0 ZTA and then every place where they have parking in all of the different districts would say subject to Section 5.0. She asked for feedback from the Commission on whether they think that all parking structures should be legislative acts or how does the Commission feel that this should be best addressed.

Mr. Finley asked what flexibility staff was providing the schools in regards to Al Reasor's letter.

Ms. Sprinkle stated Mr. Reasor's asked for a lot of consideration in parking for the schools. She pointed out regarding #3 which was his question about public assembly, that additional parking would not be needed for a stadium because staff would view that as being accessory to the school. She stated that the ordinance states indoor assembly and not outdoor areas of assembly. She stated that a stadium was not listed in the schedule and ordinarily staff would not ask for additional parking for that. Another of his concerns was the reduction for the dwelling units within a quarter of a mile. She stated that they would strictly look at the existing development at the time of the development of the site plan for the school. She noted that he was concerned about the relegated parking behind the school and wanted security to be considered. She noted that was one of the big issues that she was asking the Commission to address.

Mr. Rieley asked if the schools have any flexibility because of specific school reasons such as security.

Ms. Sprinkle stated that all of the modifications are based on health, safety and welfare. She stated that security was never a word that they have included for modification. She stated that the security of the facility was part of the safety. She stated that they do not change the regulations for schools. Staff feels that schools and other uses should have equal treatment, which is the way that the regulations work.

Mr. Rieley asked if staff was persuaded by any of his specific arguments that were in Mr. Reasor's letter.

Ms. Sprinkle stated that she was not. She noted that the first thing he talked about was the increases where they were adding the mobile classrooms and had to do a site plan amendment, and therefore add additional parking. She noted that Mr. Reasor was looking at an old draft. The draft that was before the Commission tonight, staff did add language in the applicability section. Staff added that these regulations apply to each change or intensification of any use that necessitates any additional parking but only to the extent of the additional parking.

Mr. Rieley asked how much of an increase is this over the existing ordinance.

Ms. Sprinkle stated that the standards are the same as they are in the ordinance now. She noted that elementary, middle school and high schools did not change. The only added changed was based on area of assembly 1 per 75. She noted that was at the school's request because some schools with auditoriums need more parking than for just the students.

Mr. Thomas asked if they felt that the ten-percent cap on parking was enough.

Ms. Sprinkle stated no that staff stands by the 20-percent cap that was originally proposed for more flexibility. She stated that they have never had a cap and did not feel they should be quite as harsh to start with. She noted that they might reconsider it in a few years. She passed out the proposed Comprehensive Plan's suggested language. She stated that the relegated parking would apply specifically to site plans. She stated that there would be some site plans in the Rural Areas, but that most site plans would occur in the development area.

Mr. Finley stated that loading spaces should be a minimum of 12 feet. He asked what would be required for a dock that trailers would back up to.

Ms. Sprinkle stated that she did not think they have ever set any dimensions, since that would be considered as part of the building.

Mr. Finely stated that the height was 14.5 feet. He asked about loading access lanes for backing into docks of the maximum grade of ten percent for access lanes. He asked if they would want to lower than the dock more than ten percent, or if that was something to be worked out on a waiver basis.

Ms. Sprinkle stated that was a design issue that she could not speak to.

Mr. Finley asked if loading docks have to be screened, and Ms. Sprinkle stated that they do.

Ms. Sprinkle noted that regulation be found in the site plan section of the Zoning Ordinance under screening.

Mr. Rieley stated that he had several questions about churches. He noted that Ms. Joseph sent in an email calling into question the application of the proposed ordinance with Grace Church. She noted that the proposed regulation made the site plan unapprovable with the amount of parking that was available there. That is an ongoing institution with no parking problems that he was aware of. He wondered if there were some mechanisms that would allow some flexibility particularly in other kinds of facilities where peak parking only occurs a few days per year. He stated that they have talked about it particularly for institutions like churches, areas for guests for apartment buildings or churches that are stabilized turf, by the County limiting the unnecessary pervious material.

Ms. Sprinkle stated that was part of the design change that they made under 4.12.15 where they discussed surface materials.

Mark Graham, Director of Engineer, stated that they were trying to make sure that they have a structural sound parking lot. He stated that for the overflow parking that they wanted to make sure they had stabilized turf. He noted that for overflow parking area used three times a year, they would definitely take that into consideration for that type of use.

Mr. Rieley invited public input.

Don Franco, representative for Kessler Group, stated that the major issue discussed was that the ten-percent cap was too low. He supported starting with a higher cap even if it came with special conditions such as having to be structured or having to have an alternative surface. He asked to weigh in on the orientation of buildings. He agreed with staff's statement that you have to take a strong position if you want to enforce the Neighborhood Model at this point. He stated that they had been working and operating on the condition that the Neighborhood Model was going to be one of the forms of development. He noted as he looks out at some of the existing sites, that a lot of the infrastructure is already in for that development, the development has occurred on either side of them, the parking is up front and he did not think it makes sense for that building to be developed different than the buildings adjacent to it. He asked where they take into consideration the adjacent site. The other thing that comes into play is if the infrastructure has already been developed for that site, most of the time that infrastructure has always been in the front yard. He noted that with the building setback typically 30 feet along the road, the utilities have been placed in the front yard because they assumed that the parking could cover that. He stated that if they come back now and try to move the buildings, then they would have to move some major infrastructures. He stated that sometimes it is the water lines that serve the whole community or possibly the storm drainage. He suggested that there has to be a provision where they take that

into consideration in what will happen now on the sites that have already been prepared for development.

Mr. Rieley stated relative to that last point in having some flexibility in the application of these relationships and in a situation such as that if you had three buildings along a street all lined up in front, would this ordinance mandate a change in pattern for one building in that line. He asked if there was a mechanism to allow that to follow the same pattern.

Ms. Sprinkle stated that it is written that parking should not be the dominant feature seen from the street or the other adjacent areas. Parking shall be located to the side or the rear of the principle building unless the developer can demonstrate to the satisfaction of the Director of Planning and Community Development that the proposed parking areas in another area would not be the dominant feature seen from the street or other adjacent areas. She noted that if they could provide the design that had something else, whether it was a separated grade or brick wall, so that parking would not be the dominant feature, then it could be acceptable to the Director of Planning.

Mr. Thomas asked if the word shall could be loosened up a little bit.

Ms. Sprinkle stated that staff opinion was that if it was a regulation, then it was a regulation and it was a shall. She noted that if they just wanted it to be a design guideline, then it should be somewhere else and not in the Zoning Ordinance.

Mr. Thomas noted that there is an option for the person developing by using a wall as a screening area.

Mr. Rieley stated that the example that Mr. Franco gave was to complete the area as it is. He stated that they had to be careful to not put words in that had unintended effects in trying to address one situation.

Ms. Lisa Glass, worker and representative for the County School System, acknowledged that the letter had been written before the draft, which was included in the packets, and adjustments had been made by Jan. She agreed that they wanted to have as much flexibility as possible. She thanked staff for their time and energy in considering their suggestions and comments.

Chuck Rotgin thanked Jan Sprinkle for her thorough job on the narrative that addressed answers to a lot of the questions raised at last week's meeting. He stated that he represented the Martha Jefferson Hospital since no one else was present. He stated that he was the former Chairman of the Hospital Board and the current Vice-Chairman of the Corporate Board. He noted that the hospital was very concerned about the ten-percent cap. On behalf of the hospital, he urged the Commission to raise the cap to twenty-percent minimum. He noted that the other issues that raised a lot of concern are the loading spaces and relegated parking. Mr. Rotgin stated he understood that the parking regulations would be an overlay ordinance that applies to every single district, not just the Neighborhood Model. He asked for clarification from the County Attorney because he thought it was the intent of the members of DISC that it apply to the Neighborhood Model only.

Mr. Kamptner stated that Section 4.12 would apply throughout the County. He noted that it was not an overlay like the Entrance Corridor.

Mr. Rotgin reiterated from previous meetings that the parking ordinance as it was currently written, the relegated portion, now says that the portions of the Neighborhood Model which have been adopted, are now applicable to every zone. He stated that he did not think these parking regulations should have relegated parking as a criterion. He stated that relegated parking should only be in the Neighborhood Model. He passed out some photographs and a site plan of Merimont in Chapel Hill which has not been successful and has relegated parking.

Mr. Rieley stated that he was sure that our missing Commissioners would have some things to add to this as well. He thanked Ms. Sprinkle for her hard work she has done.

Ms. Sprinkle apologized that the change for dwelling unit for single family detached did not get changed in the text. She stated that it would get done to indicate two spaces except in the cases where VDOT requires three.

Mr. Thomas asked if the relegated parking could only be in the Neighborhood Model?

Ms. Sprinkle stated that it can go only in the Neighborhood Model, but suggested that Ms. Echols comment on it.

Ms. Echols stated that what was adopted with the Neighborhood Model and with the recent land use plan amendment relative to the development areas was the statements about relegated parking. She stated that for the development areas, staff understands that was your intent. She stated that for the Rural Areas, they have not really discussed that. She stated that as the ordinance was written the standard for the orientation of the buildings would be the same for projects in the development areas and the Rural Areas. She stated that they don't get a lot of site plans or development plans for the Rural Areas. She noted that issue of relegated parking is a part of that kind of development pattern.

Mr. Rieley noted that Mr. Rotgin had raised a good point because that was language taken directly from the Neighborhood Model and applied Countywide. He felt that they needed to scrutinize that carefully and make sure that they are aware of the implications of that. He suggested that they take this into consideration before they adopt it and consider some modifications.

Mr. Rieley stated that they would move on to the next work session.

Ms. Echols asked if they wanted staff to bring something back to the Commission at the next meeting. She noted if so, if the Commission could be specific as to what it is.

Mr. Rieley stated that he did not believe so. He stated that the missing Commissioners would have the benefit of the minutes. He felt that the minutes would generate some questions and discussion.

Ms. Echols asked if they wanted them to work on the supplementary regulations.

Mr. Rieley stated that would be an excellent idea.

Mr. Benish stated that if the Commission were not expecting additional information, then staff would be able to return the item back before the Commission quickly. He suggested hearing the item on the 24th.

Mr. Rieley stated that it would be useful to have a meeting so that everybody could go through and give specific direction.

The Planning Commission held a work session on ZTA-01-09 Parking and made comments and suggestions, but took no formal action. The next work session was scheduled for September 24th.

Neighborhood Model Work Session:

ZTA-01-08 Neighborhood Model District – Request to amend the Zoning Ordinance to modify Section 8 Planned Districts – Generally and to add Section 20A Neighborhood Model Zoning District. (Elaine Echols)

Ms. Echols apologized for staff's failure to notify all of the people who attended the Focused Discussion meeting, specifically Steve Runkle, and Mike Fenner. She noted that the number of people who might be here for this work session is probably dimensioned due to that fact. She noted that there would be plenty of opportunity for the Commission to ask questions and for the public to bring questions back. She stated that hopefully they had a copy of the staff report and the amendments. She stated that the information was broken down into two sessions. The first section was Section 8.0, which was the Planned Development Section, Generally. Mr. Kamptner has passed out some alternate resolutions that relate to both Sections 8.0 and 20A, which are different. She stated that many of the things that the applicant, Kessler Group, had asked for when they asked us to review what they had provided was ways to get flexibility into a particular district, and staff has separated it all alone as an alternative PUD. She stated that they had been dealing with so many situations where the whole issue of flexibility has become very important in other planned districts. Staff felt it was very important to bring those flexibility options to the four and not just have them sitting with the Neighborhood Model District, but have them for all Planned Districts. She noted that would ensure that they get more Neighborhood Model type development. She noted that was the reason there were so many changes to the planned district. She stated that there was some overlap in application material that was being suggested for the Neighborhood Model District and all Planned Districts. Therefore, staff just combined all of that into one section. She gave the following basis information:

- Section 20A is a brand new stand-alone district that is based on the Neighborhood Model and is specific about the things that they were trying to accomplish.
- It provides for maximum flexibility to use the different alternative ways.
- There is a session on the application on what the evaluation will be as the staff makes a report back to how well the district complies to the Neighborhood Model and the Comprehensive Plan.

Next, she asked to go over the issue of density and intensity that came from the Focus Discussion Group. She asked what does density of development mean? She noted that a lot of times people talk about the buildings on property such as their massing, heights, and coverage. She noted that people would say that the property is too dense. When you look at density in relationship to the Zoning Ordinance, we are looking at the number of dwelling units per acre. Intensity has to do with the massing and heights of buildings, the amount of traffic generation that comes from a particular development and the area of coverage on a particular piece of land. She noted that others might come up with some other examples. As part of the discussion, she brought three illustrations showing the level of intensity of three different land use designations as follows:

- Neighborhood Service example, which has the lowest amount of coverage, massing, height and the lowest amount of traffic generation.
- Community Service example, has more massing, higher building heights, more traffic generated and more coverage. In the regional service example, it just moves up.
- Regional Service example, which has fairly intensive land use with higher building heights, more traffic generated and more coverage.

She stated that these examples are to try to help us understand what intensity means. The Ordinance does not make that clear. Staff recognizes that and brought this matter before the Commission to see if you think this is the proper way that intensity can be evaluated. If the Commission agrees, then they can get the right words written into the Ordinance.

Mr. Thomas asked if the meaning of density and intensity is that different.

Ms. Echols stated that when you look at gross density of the residential area you look at the acreage and the number of units in that acreage. She noted that density can mean two things, but staff is reluctant to have it mean two things in this Ordinance because it would confuse matters. In these illustrations there is a certain amount of residential density. In those three areas, we are looking at 6 to 34 dwelling units per acre as the maximum density. If staff had an example of a Neighborhood Residential District, it would look different from this and its density would be 3 to 6 units per acre.

Mr. Rieley asked what the measuring stick was for intensity.

Ms. Echols stated that when staff looked at this with the land use plan, they looked at more of the lot coverage aspect and the amenity than they did the massing, heights and the coverage aspects. One aspect of intensity is the amount of green space left on a lot. Traffic generation in this context is more of a subjective term. Massing and heights can be seen, but staff does not address that specifically in our land use plan element. She noted that they were trying to put some things out there about the green space amount, but they have not said anything about traffic generation, massing and heights as they relate to the particular areas. The new stand alone district is based on the Neighborhood Model and calls out the things it is trying to accomplish and provide for maximum flexibility to use alternative ways to do development in the Neighborhood Service Example.

Mr. Rieley stated that intensity is considerably more nebulous because it does not take into account multi-story buildings. He pointed out that if you only talk about footprint coverage that it is very different.

Ms. Echols stated that staff would like to get that corrected.

Mr. Finley asked if density would include green space and amenities.

Ms. Echols stated that it would include gross acreage.

Mr. Rieley stated that this relates to an issue that came up on the Rivanna Village Project. Since they were encouraging mixed-use development, how do you make tradeoffs between commercial and residential density when they were measuring one by dwelling units and acreage and the other by another yardstick. He asked if there was some mechanism they could look at that was more empirical. He assumed that intensity was one way to try to get it.

Ms. Echols stated that it is, but she did not have any figures right now to attach to the massing, height and the traffic generation. She noted that staff wanted to work on that and asked for the Commission's advice on that for the specifics.

Mr. Rieley stated that they have as floor area square footage or acre and asked staff if they have ever thought of that as a yardstick.

Ms. Echols stated that they could add that in as something to consider. Since it is a new concept that they were bringing to the floor, it does not mean that they can't take a look at it. She stated that this would be a good item for staff to take a look at.

Mr. Rieley stated that it was one that was used a lot.

Mr. Benish stated that they use that in the industrial zones, but no other zones.

Ms. Echols asked for the Commission and the public to provide their comments and suggestions.

Mr. Rieley asked for public comment.

Steve Runkle, representative for the Kessler Group, stated that he would submit some written comments once he has a little time to review the materials. He stated that what he gathered from this was that intensity is less. He noted that he was confused by the term Neighborhood Service, Community Service and Regional Service and how they relate to intensity. The implementation is that Regional Service is more intense or has the expectation that the land is more intensively used. He was not sure if this was consistent with the goal of DISC because everything in our goal with DISC is to be mixed-use in nature. The use that is non-residential might not be Regional Service in nature, but it might be Community Service or Neighborhood Service in nature. He stated that it was unclear to him. He asked if that means that they want to less intensely use the land. If that is the goal, then he felt that goal ought to be somehow made clearer than it has been made to date. As matter of fact, he felt that the four tower ratios could be higher under Neighborhood Service Uses and a large residential component than under the Regional Service. He felt there was some confusion on what the goal ought to be in that regard. He pointed out that he did not have the answer, but felt it was still somewhat confusing. He noted that his understanding was that they wanted to max out the utilization of the land within the guidelines of the Comp Plan designations. He asked to make a couple of quick comments as follows:

? On page 19 and 20 on attachment A. On page 20, A 3 number, shared storm water. He asked if this means that they were talking about-shared storm water within the property included in the application. He asked if he was making an application under this zoning district if he was expected to think more globally about how storm water management may occur outside of the perimeters of my particular project.
? He stated that the attitude was that the new parking ordinance would cover everything needed relative to the Neighborhood Model District. Therefore, he said that this excludes parking. He stated that if they were going to do parking demand studies and so forth, he could not image a situation where the Ordinance does not cover every circumstance, and they might want a waiver of that too. He would offer that suggestion.
? Under Section 20.A7 residential density, under the Neighborhood Model approach it is intended that we have mixed-use in most situations and the larger the amount of land the more likelihood that would be mixed use. This reads the density as it relates to the Comp Plan designation, which is divided by the gross acreage. He asked if they were operating where the Comp Plan says 3 to 6 units per acre and he had a hundred acre development and 25 of those acres were going to be nonresidential, would he divide by 100 or by 75, the gross portion used for residential.
? Under 20, A9, item A1 it says proposed gross square footage plus a residential equivalent in square footage should say the proposed nonresidential gross square footage plus a residential equivalent.

Ms. Echols agreed.

Mr. Runkle continued his suggestions:

? Under B, item 1, as a developer he wonders what the intent of that is. He understands that the infrastructure has to support the level of it. He questioned if the infrastructure does not support the level of use, what would be the result. He asked if he would decrease the intensity of use or would you say that he has to provide the infrastructure. He pointed out that this should be made clear.
? Under green space, Section A contains the word yards. He asked if that implies that in certain situations that private land can count towards green space. In the past it has to be common area or something outside of the lot itself. He suggested, as they move into this, maybe they should take a more liberal view of how you classify green space. He asked what the intent was there and that it be clarified.
? The requirement for 20 percent green space and amenity he thinks is pretty honest. He noted that how staff defines an amenity is really going to impact the density in certain situations. He noted that he has some concern about this issue and feels that they should look at some real life circumstance. He asked what it would take to make something an amenity?

? Under streets, does this anticipate that the Code is going to change?

Ms. Echols stated that this anticipates that the Code is going to change.

Discussion held concerning amenities.

Mr. Rieley asked if there was any thought on where they should draw that line.

Ms. Echols stated that you really have to look at it in the context within what it is. She noted that they would look for some way to make it a passive recreation area. She stated that their inclination would be that there ought to be some pedestrian access to at least part of it. The level of pedestrian access could vary depending on the situation.

Mr. Benish stated that it could be something very primitive, but it would have to be accepted that it was in the context of providing some amenity for the development.

Ms. Echols stated that staff was suggesting the 20 percent. She noted that they tried to put a number out that could be varied by the Board of Supervisors by the rezoning. She noted that they were trying to shoot for the middle ground.

Mr. Rieley stated that in the same area it says that slopes and active recreation areas should not exceed ten-percent. He asked what kind of active recreation they were talking about on ten-percent slopes.

Ms. Echols stated that she took this section directly out of the Zoning Ordinance for consistency. She noted that they were trying to be consistent with the section on recreation. She noted that if they wanted that information, that staff would be happy to provide that.

Mr. Rieley noted that it seemed like an odd break point because most playing fields have to be flatter than ten-percent. If you are defining hiking as active recreation, then you could go steeper than ten-percent. He questioned whether this needs to be included. He stated that it would be useful to see a hypothetical site plan with this applied to it and see how the density is applied and what the implications would be and compare it to how it would be developed under a conventional PUD right now. He questioned if they would be using up more land and getting less net density as Mr. Runkle indicated. He pointed out that it would be very useful to have that type of comparison.

Ms. Echols stated that they have based this on what you have previously done in the Comprehensive Plan. She pointed out that they had looked at Albemarle Place for the amenity percentage and they had gone to the downtown mall to see how much they needed.

Mr. Rieley stated that was ten- to fifteen-percent.

Ms. Echols noted that they looked at a standard commercial shopping center for how much area was left green and that was about 15 percent green space. She stated that they considered this as the most intense type of development, which was their bottom threshold. Staff had in mind what you see in Regional Service for lot coverage and the green space aspect of it. Staff tried to base the green space amenity right out of the Comprehensive Plan and that was viewed as being too vague. Therefore, they have taken the actual numbers in the Comprehensive Plan and put them in here and reduced them if they were not appropriate.

Mr. Finley asked who maintains the amenities.

Ms. Echols stated that it varies depending on who the amenity relates to. She noted that if it was a public park that the County would maintain it.

Mr. Rieley asked to address the issue that they have raised a number of times in the development areas because their ordinances require street frontage for every lot when that is put together with the fact that VDOT does not want the utilities underground means you cannot have common ownership along tree lawn because then that cuts off public access to the street. Putting all of those things together precludes probably the ideal Neighborhood Model street, which are street, tree lawn, sidewalk, utilities, small front yard and building. He asked if this was the appropriate place to stipulate that you don't need to have ownership on a public street if you have an assurance of access through a public easement.

Ms. Echols stated that was more a subdivision ordinance amendment. She stated that they could put that in here, but there are a lot of different variations in how people are accomplishing some street trees.

Mr. Kamptner stated that the Neighborhood Model-related subdivision text changes which staff is working on right now would deal with the frontage requirements and the lot configuration isssues.

Mr. Rieley stated that they have to get that fixed as a part of this. He noted that they needed to fix their part of it. He stated on page three, for a language adjustment at the bottom of the page, he suggested that they use "landscape" instead of "landscaping" when they are using it relative to architecture and outside features. This is just a description. In general, landscaping tends to mean plantings whereas landscape means grading, roads, trees and lighting.

Mr. Finley asked regarding waivers what constitutes something that can be handled by the Director of Planning versus something that has to go all the way through which is covered on page 8.

Ms. Echols noted that there were two issues they were trying to get at here. The first issue is what is established through the rezoning. Once the zoning is in place, what can be varied? Under standard zoning, the Board of Zoning Appeals is the only group that is authorized to do that varying. Staff was attempting to make that more of an administrative task writing into the ordinance in this particular way so that minor variations or minor modifications could be done administratively without having to go back to the Planning Commission or the Board of Supervisors for a rezoning. Staff has tried to work from the existing Planned Development regulations that relate to setbacks, and through this Neighborhood Model District they came up with some more that they thought that the Planning Director could be authorized to change. There are distinctions in what the Planning Director could do, what the Engineering Director could do and what the Zoning Administrator can do. With these changes they were trying to make it clear that any change in use or any question about if that use is permitted in this particular district is a Zoning Administrator decision. It is not a Planning Director decision, but the Zoning Administrator would get input from the Planning Director. Proffers are being looked at as over and above what the zoning district is. Often times people say they did not proffer that rezoning when it is a planned district. Staff is trying to make the distinction between what is proffered over and above what is required for this particular district and what the regulations are for the district. A proffer might be $1,000.00 per unit or $10,000.00 towards a traffic signal. These types of proffers are over and above what is required for a particular district and those are Zoning Administrator's decisions. Whether or not a site plan conforms to a planned district and whether a minor variation can be made would be a Planning Director decision. Whether or not an E & S plan can be approved prior to approval of a final site plan or subdivision plat is a Engineering decision with input from the Planning Director. Staff is trying to make clear distinctions in this ordinance on who is responsible for what. Under Section 8.5.5.3 are things that would be approved after an application plan has been approved by the Board and not before. Those would include variations to the setbacks, yard requirements, maximum height, minimum lot sizes and changes in arrangements of uses provided the major elements on the plan are consistent. Other changes include the street cross sessions that are in keeping with the spacial enclosure designations that they provided for the district. In addition, changes to the phrasing and architectural standards are considered even though they might be too broad. These are things

that the applicant asked to be included. Staff noted that these things could be changed at the administrative level as long as the spirit and intent and the idea of what was originally approved is not compromised.

Mr. Kamptner noted that this was a clarification of what the Director can do now and the minor revisions that can be dealt with administratively.

Mr. Rieley stated that there would be more discussions in the future.

Mr. Kamptner suggested that they get the resolution of intent on the record so they can move this into the process. He noted that one resolution would amend Section 8.0 and the other to amend Chapter 18 of the County Code.

Mr. Thomas moved for approval of the resolutions of intent for ZTA-01-08 to amend the Zoning Ordinance to modify Section 8, Planned Development Districts and also to add Section 20.A, Neighborhood Model District to the Zoning Ordinance.

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

OLD BUSINESS:

Mr. Rieley asked if there was any one else present to speak concerning old business.

Mr. Thomas asked if the date had been set for the next work session on Albemarle Place.

Mr. Benish stated that they were shooting for September the 24th to make sure that all the requested information has been received from the Planning District and the City.

NEW BUSINESS:

Mr. Rieley 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 8:25 p.m.

V. Wayne Cilimberg, Secretary

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