Albemarle County Planning Commission
April 1, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 1, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein; Rodney Thomas; Pete Craddock; Tracey Hopper, Vice-Chairperson; William Finley and William Rieley, Chairman. Absent from the meeting was Bill Edgerton.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Greg Kamptner, Assistant County Attorney; and Elaine Echols, Senior Planner.

Call to Order And Establish Quorum

Mr. Rieley called the meeting to order at 6:00 p.m.

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

Approval of Planning Commission Minutes – February 4, 2003 and March 4, 2003

Mr. Rieley stated that there were two sets of minutes to be approved. The meeting for February 4th is the one that the Commission was dealing with the Faulconer Construction Site Plan. There was an issue regarding the precise way in which the motion was made--to accept the deferral and the way the deferral was phrased. There was a disagreement about the transcription. After talking with Mr. Cilimberg this afternoon, they agreed that rather than have an interpretation of those minutes that the best clearest thing to do is to simply do a verbatim transcription of that meeting and those will be our minutes word for word rather than a summary. For that reason the Commission will be acting on the consent agenda only on the March 4th minutes and not on the February 4th minutes. The February 4th meeting will be brought back to the Commission as a direct verbatim transcription.

Mr. Cilimberg noted that the verbatim transcript would start at the motion that was made and all of the discussion after that.

Mr. Rieley asked for a motion on the consent agenda.

Mr. Finley moved to approve the consent agenda as presented.

Ms. Hopper seconded the motion.

The motion carried unanimously (6:0). (Edgerton – absent)

Mr. Thomas asked if they needed a motion to pull the minutes of February 4th from the consent agenda.

Mr. Kamptner stated that the Commission's action was clear enough.

Regular Item

SUB-02-249 Edmund Christopher & Cynthia Daily Final Plat – Request for authorization to allow a private road. (Yadira Amarante)

Ms. Echols stated that she was substituting for Ms. Amarante for a number of reasons. She pointed out that she was involved with the Parkside Plat because that property is adjacent to the Daily property. The other reason is her involvement with the current Master Plan and Framework Plan. Staff has been working on a portion of the Masterplan's Main Street that has a direct relationship to this particular plat. She pointed out that what the Commission has before them is a private road approval request. It is not a request for plat approval. Normally this action would come before the Commission on the consent agenda, but since the staff report went out the applicants met with us and asked staff to modify the conditions. The applicant expressed concerns about the recommended conditions. Staff thought it was appropriate to bring the issues that are related to this particular private road approval to the Commission. There is a direct relationship of this action to the action taken by the Commission on Parkside Village and the commitment made to the residents of Hilltop. The plat has a direct relationship with the Crozet Masterplan that is being developed. One of the primary new streets shown on the Crozet Masterplan is Main Street. She pointed out that some of the Commissioners might have seen the plan as it is today at our consultant's office, but this plan is probably not the same thing that you saw this morning if you went there. This plan is what was available on Community Design Day in February. The concerns are still here. She pointed out the location of Main Street as it was being currently proposed. Main Street was currently proposed to take some of the pressure off Three Notch'd Road and to get the traffic away from the intersection with the underpass. That intersection can be very difficult to transverse. There have been issues related to safety there that has prompted the installation of a light and some crosswalks. In order to achieve connectivity there, three main roads are being shown on this plan. One is the Route 240/250 connector, the western connector and Main Street. She pointed out the location of the subject property and its relationship to the adjacent properties and existing roads. Park Ridge Road is the road through Western Ridge, which was designed to provide access to these adjoining parcels. If you remember from the Parkside plat, two roads were designed to provide access to the east. Park Ridge Drive was designed to provide access to the west. Hopefully, this information has given you some context in where we are with both the Masterplan and the subdivision. She stated that staff wanted to show that to the Commission to make sure that they understand the recommended conditions and how these conditions ensure future interconnections. The plat itself is in the Commission's packet. The plat is for a two lot subdivision and is zoned R-6. When the Parkside plat was approved it had reservations for two connections to the adjoining property, but they were not dedications. There was a lot of discussion, as most of you will recall, about the traffic on Hilltop Drive. At the time, staff assured the residents that access to the Daily parcel would be coming from the East before the connection would be made. With the original submittal of this plat that you have before you, the applicant requested that we call the reservations and allow the dedications to be made to provide that access to the Daily property. That property is zoned R-6, which means it has a lot of development potential by right. Staff could not support the request because of what they had told the Hilltop people with the Parkside Subdivision. Staff is mindful of the need for by right use of the parcel. Staff's solution was to provide for the subdivision of the parcel into two, and to allow no more than two units on each of these parcels to be served by a private road through the area reserved for the dedication. Staff thought that would have the least amount of impact. This would allow the Building Department to approve building permits for only two units on a lot, provided that they receive the private road approval for the access easement. The contract purchaser for Parcel A is very interested in the opportunities for future interconnections to the property. She noted that Con-Agra is to the east and Parkside was to the west. In order for the intervening parcel to be developed, it has to have two points of access. There were two roads designed to provide that. Another point is that the potential for Main Street to come through this property is very great and that opportunity is reserved with this

plat. It is possible that a single owner could build almost all of Main Street from Park Ridge Road up to Hilltop Avenue. The only piece of property that would be missing would be Carroll Connaly's property that would get the road all the way up to Crozet Avenue. The applicant has asked for a fail safe guarantee that the County would allow both connections to be made once a road was constructed to the east and that it could be connected to Park Ridge and Hilltop Avenue. Staff cannot commit themselves to a future action and they do not ask the Board to commit to a future action. Therefore, staff could not guarantee that those future connections could be made. Staff told the applicant that interconnections are very important and reminded him that our Subdivision Ordinance, Comprehensive Plan and Land Use Plan all support interconnections. The Masterplan currently under development shows interconnections. Staff has developed a set of conditions for the Commission to review. Those conditions were provided in a handout that shows you where the changes are from the ones the Commission previously reviewed. The two conditions will be that Parcel A shall not be further divided nor shall more than two dwelling units be constructed until such time as one or more means of vehicular access has been approved by the County of Albemarle and constructed or bonded from Route 240, Route 250, Park Ridge Road or another existing state maintained road from the East with sufficient capacity for the future development of Parcel A. She pointed out that the exact same note would be there for Parcel B. What this condition says is that Park Ridge Road would be available for a connection, but it would not guarantee the Hilltop connection. Staff believes that those two interconnections should be made, but they cannot commit to that right now. They do know that Park Ridge Road extends sufficiently to make that connection to the East. They also know that Park Ridge Road was designed with the capacity to provide for the interconnection. Staff reminds the Commission that the conditions are for the private street approval. She asked that the Commission discuss this and advise the applicant if the conditions are appropriate. Staff would be happy to answer any questions that the Commission might have.

Mr. Rieley asked if there were questions for Ms. Echols. He asked if the alignment shown on the Roudabush and Gale drawing, which had no bearings or distances on it, was the exact line that these roadways are to follow.

Ms. Echols stated that the plat needs to be corrected. Staff has asked the applicant to remove the 40-foot access easement because it does not line up with what is being shown right now on the Framework Plan. The plat will have that 40-foot easement removed. The opportunity will be there for Main Street to be extended either with a future subdivision plat or through a site plan if the Masterplan is approved with that configuration.

Mr. Thomas stated that the roads that are going through the property loops upward. He asked what the dotted line indicated.

Ms. Echols stated that she was not sure why the dotted line was there, but she could tell him why the loop is there. Parkside is being developed and on the north side of Parkside there are several lots that are already under contract. When they started working on the Masterplan, Parkside was already ready to go. In order to have Main Street go from East to West, staff believes that alignment that goes north in that loop is the only way to get that.

Mr. Loewenstein stated that there would not be an easement shown on the plat because there was not an alignment.

Ms. Echols stated that was correct. Right now staff does not know what the profile is, but they should before too long. She noted that the Commission and Board are having a work session tomorrow. Staff anticipates that this will get to the Board in May or June and then they will start the process of reviewing the Masterplan. Staff believes that the Masterplan will be in place before a future subdivision comes in at which time they could make plans to reserve that right-of-way or have it constructed.

Mr. Loewenstein stated that in the meantime they would be taking the easement off the plat.

Mr. Rieley asked the applicant to address the Commission about the requested conditions for approval.

Mr. Cliff Fox stated that the Daily's had requested that he represent them here today. He stated that they have many concerns since they started this process over six months ago. He pointed out that the Daily's had tried to divide the property in half. They knew because of the Parkside approvals that the Parkside road design might not accommodate the further subdivision of the Daily property for up to 33 additional units. There was no written condition in the approval of Parkside limiting that condition other than basically the road design. They were concerned about the delineation of two dwelling units because they would like to see the situation evolve to a point somehow so that they could get a greater utility out of the property before the road from the East is built. Secondly, there are a couple other major concerns that they have about the conditions. They have been trying all of this time to get the County to identify under what conditions it would call the reservations. That should have been part of the strategy anticipated in the approval of Parkside. If you are going to create those reservations to the County's deference, then there should be some kind of strategy for how they are going to be implemented. We still do not have that knowledge. In the items throughout, basically where ever you see location scratched out and an existing state maintained road inserted, that becomes another concern for us because of the VDOT road standard guidelines and in the County's emphasis on trying to work on the road design and road strategies that there could end up being a mix of private and public roads. They would rather see that changed back to the location for another road, public or private, and approved by the County. That gives them the flexibility if Main Street goes in and it does not have state roads coming off of it, at least they have easements and they could build a private road to connect to that. This way they cannot get approval the way this is stated. Condition number 5 is something that they have just seen today. While they do not have any major problems with that, they do not know what the County Attorney is going to require. It becomes another whole issue. Basically, they can work out a private road maintenance agreement. He pointed out that actually they have worked out an easement with the developer of Parkside, but do not know what the County Attorney is going to do with that.

Mr. Kamptner stated that the County Attorney applies the standards in the Subdivision Ordinance, which are fairly routine. Staff has plenty of samples that they can provide the applicant.

Mr. Rieley stated that he did not recall a private road agreement that was not subject to the County Attorney's approval. He pointed out that was pretty routine. He asked if there were other questions for Mr. Fox. He asked Ms. Echols to comment on the two major issues of the request for a greater degree of utilization of the parcels before the road from the East is available and what Mr. Fox regards as a lack of provision for private roads.

Ms. Echols stated that on the first one, staff saw 33 additional units on top of the 48 that were approved for Parkside as being problematic to the Hilltop residents because staff remembers what everyone went through when that subdivision plat was approved. Staff had purposely sized the roads smaller so that they would not have a tremendous amount of traffic. It was a verbal commitment to them at the time that the other traffic would be coming from the East. This parcel is currently landlocked. It does not have any public road access. It has an access or right-of-way that comes through another property. Staff felt that the ability to provide that protection was through the reservation process and what they would do with that in dedication. It was plain and simple that 33 units on top of the 48 units seemed to be too much and would place an undue burden on the roads.

Mr. Rieley asked about the provisions for the private roads.

Ms. Echols stated that the private road provisions were new and that she has not thought through that. The whole purpose of that statement was to talk about allowing for the connection into an existing road through the property. She stated that it might be perfectly fine, but because it just came up that she was not prepared to answer.

Mr. Rieley stated that if the Commission acts on this as it is currently before them, is there a mechanism through which that issue could be addressed later.

Ms. Echols stated that there could be a request for a change in the conditions on the plat.

Mr. Fox stated that there is another note that is not included in what the Commission has. Basically, the County is requiring an unspecified easement for a dedicated right-of-way for reservation to the County the same way that the situation has been set up in Parkside. He asked if it were possible to change that so that it could be dedicated with the site plan or subdivision plat submission opposed to being held in reservation by the County. Right now, they feel that the reservation has impeded the utility of the property from a lot of different perspectives.

Ms. Echols asked to respond to that one. She pointed out that an earlier set of comments on the plat itself was sent that said that they needed to provide for a reservation through the parcel. That has caused a great deal of concern because nobody knows how much right-of-way is needed for the Main Street because they don't know what the Main Street profile needs to look like. She stated that she had been told by Ms. Amarante that reservation request has been removed from the conditions. Therefore, that is not a condition any longer of the final plat approval. The way that they were protected was through the Master Plan being adopted into the Comprehensive Plan and through a subdivision plat process to ensure that they get that road or they get that note on the plat. Or, it could be through the site plan process in which they have the same mechanism in place.

Mr. Cilimberg stated that so it is clear for you in understanding what is before you, the full plat is not before you because it can be handled administratively if you authorize the private roads. Therefore, those things that have to do with the platting itself will be addressed. Obviously, one of those things has already been resolved to address the concern of the applicant. This is simply conditions under which you would grant the two private roads action. Staff should be able to handle the rest of it. Staff should not have to bring this back to the Commission unless there is a concern that the applicant has or the Commission wants to see it.

Mr. Rieley asked Mr. Runkle if he would like to speak.

Mr. Runkle stated that he was the contract purchaser, and therefore was pretty interested in what the conditions are. One of the intents of this discussion, as he understood it from Ms. Echols, was potentially to get some input from the Commission on record. Before the conception of the Masterplan, they purchased the Con-Agra project. They had their own version of a Master Plan and it had a Main Street in essentially the same place. At that time he approached Mr. Cilimberg and others to see if there was anyway they could get this resolved now. In particular, this was prior to Park Center being developed and they were not able to do that. Subsequently, at that time he was talking with Mr. Fox who was representing Mr. Daily about purchasing a portion of their property. They only wanted to sell a portion of the property. The goal has been two-fold. One is to provide for the interconnection and specifically for Main Street. The bulk of Main Street can be built on property that they can develop. They have the ability to make the connection to Park Ridge Road that comes through Western Ridge. So one goal was to provide that interconnection. A selfish goal relative to that was to provide a second point of access for us as it relates to the development of Con-Agra and the adjacent properties. They did not want to be burdened by being limited by a single point of access through Western Ridge, the 50-lot rule and the various potential disasters that could occur. He noted that was their motivation. They had two basis conditions that they were trying to get approved. They clearly understood the concerns of

the Hilltop residents because they followed their approval process. He stated that on their parcel they have no desire to subdivide or build anything on the land until such time that a road, as the conditions are now set forth, is available from the East. He would share the concern if for some reason as they go forward if the County, the applicant and VDOT cannot agree on the design and the County and the applicant can, then it would be nice to have a portion of that system to be private with the appropriate maintenance agreements and so forth in place. So that condition's wording has evolved to the point that it was acceptable to them. The other condition that they wanted was once they do that; they want the County to call the reservation from Parkside to provide the second point of access for us. Otherwise they were risking a million dollars on the purchase of this property without any kind of guarantee that they will have any development capacity if that connection is not made until some alternatives are available. The reason for the inability to do that is the inability to bind future actions by the Commission and the Board. He stated that he was sure that was a good legal reason, but what he did not understand relative to that is that it seems to him in reverse they did that when they approved Hilltop. In effect, the County told those people that nothing would happen on the adjacent property. He stated that seems a little bit irrational. At any rate that is the other issue of what they wanted. The final thing was the right-of-way width and so forth. At one time the language basically said that it could be an interstate in terms of design. Everything that he had heard from the consultants at the Design Day, the north/south connector road called Eastern Avenue now from Route 240 to Route 250 is envisioned as a two-lane road with a 35 miles per hour design speed. He stated that he could not imagine that Main Street is going to be a design that requires more than 50 feet of right-of-way. As it goes through Parkside it is 40 feet of right-of-way. You might not be able to make this definite, but it would be nice from his perspective because he had to decide whether to buy this property based on the conditions that are going to be set forth. It would be nice to know that the Commission is favorably disposed of saying if a 50 foot right-of-way through there corresponds to the design as it goes through Parkside, then it seems rational. If you cannot commit yourself, he would understand that. He asked that some kind of intent be expressed as part of the discussion here either favorable or unfavorable. He pointed out that if the Commission did not think that any of this was a good idea, then he would like to know that.

Mr. Rieley stated that he would not regard the Commissioners expressing their opinions on that point as any kind of impediment to the future Commissions or Board and he would welcome people's opinion.

Mr. Thomas stated that he would like to think that they could plan roads a little bit better than what they have done in the past. It is hard to do when you have property that you don't own and have different owners coming down through there. He asked Ms. Echols to elaborate a little more on what could be done to enable them to have that reservation or would it be called a reserved alignment.

Ms. Echols asked if he was talking about the one from Parkside or the one to the East. Right now there is nothing except what you see on the Master Plan. Staff cannot require anyone to put that on the plat because they don't have the Master Plan. Somebody could reserve an area, but it would not be in conformity with anything and they really wanted to get the interconnective road system. Staff thinks that the roads will come through with the rezonings that are likely to be processed very soon. The Con-Agra rezoning has been submitted and has not been reactivated because it was holding for the Master Plan. She felt that the opportunities to make those connections are really good. The biggest piece that would be missing to get the traffic all the way to Crozet Avenue is the piece next to the Bruce Barnes Lumber Company, Earl Connaly's piece. That is a significant piece to make that connection. The consultants will be making some recommendations on how that could occur. But right now what they have before us is whether or not the County would allow the connection to Hilltop to be made or would commit to making that connection to Hilltop once the one to the East is made. Staff fully supports that connection, but the staff certainly cannot commit the County to that future action.

Ms. Thomas stated that some of the property might not come to the County for a rezoning such as the Carroll Connaly property.

Ms. Echols stated that there was nothing proposed for that area right now.

Mr. Thomas stated that it would be nice to have something so that they could plan the roads a little bit better.

Mr. Rieley asked if they had a consensus that there is an agreement with the staff's hope that a) that connection can be made, and b) it is something in the nature of the scale of the other roads that have been proposed in the area and allay to whatever extent that they can to Mr. Runkle's concern that he is going to be faced with an interstate and chew up a large portion of that property.

Ms. Hopper stated that she had several questions for Ms. Echols. Regarding the reservation process, what is the process that the County goes through in calling a reservation?

Ms. Echols stated that when somebody is requesting to build a road through that area they ask us if we will call that reservation and the County says yes or no. For instance, on the plat that was prepared there was a request with the Daily plat that we call the reservation. That means that the County would demand that the owner of the Parkside plat dedicate the property and then the developers of the Daily parcel would extend the public road through the dedicated parcel.

Ms. Hopper asked if that request has been made with this application.

Ms. Echols stated that it was, but staff did not support it because what it would do is open up the R-6 zoning with the development of the parcel.

Mr. Rieley stated that he was not sure if he heard general consensus on those two points, but Mr. Thomas, Ms. Hopper and himself weighed in that they support the goal of that connection and support the scale of the street patterns as it has been envisioned so far. He asked if anyone else wanted to go on record.

Mr. Loewenstein stated that he would agree with that. He stated that he had a question for Ms. Echols. He stated that it would be difficult to project at this point, but in general what sort of time frame does staff see the approval of the Master Plan roads falling under.

Ms. Echols stated that it was almost up to the Commission. This item will be coming to the Board who will most likely refer it to the Commission. They might have a work session and then you would have the review period that you are looking for. She pointed out that she hoped that the Neighborhood Model is not an indication of the amount of time that they would need to review that. That review took nine months to almost a year. Hopefully, this will be a shorter period of time because the Commission has been very close to this process and the Crozet Master Plan in the other development proposals in Crozet. She stated that was the best that she could do.

Mr. Loewenstein stated that he was a little troubled by the fact that they have Parkside all worked out essentially and that now they have a Master Plan coming down the pike with tentative road networks including some of the things they were talking about tonight for these two parcels. He felt that these things were a little out of sequence. He asked that staff go over again how they could limit the number of units to be constructed to what is proposed in the recommended conditions this evening. He asked what the action tonight would do with these conditions limiting the number of dwelling units. What would have to be done to bind the owner or applicant at that point if they wanted to come back and ask for a change. He noted concern that they will have a very high density of use of this little piece that happens largely because of the things they were talking about here this evening. He questioned how well that fits into the Master Plan overall.

Ms. Echols stated that they would anticipate that a future subdivision would come in to take better advantage of the existing zoning. As soon as the road access is available that by-right zoning provides a lot greater potential than two lots and two houses. Staff felt that it was important to provide a use for the lot.

Mr. Craddock asked if the 33 units were just on Parcel A.

Ms. Echols stated that staff was recommending the two.

Mr. Cilimberg stated that they have to balance between the subdivision plat and the ultimate Master Plan. This condition obviously restricts the use of the property until there is a connection to the East. The flip side of this is that once that connection to the East is made, the restriction goes away. That is the way that this condition is worded or is intended to allow for this restriction to go away. At that time, the other desired outcome is not just to have it connect to the east, but to also have it connect to Parkside. He noted that it was what the condition did not say that was just as important as to what it says. Procedurally, what staff is trying to do is not overburden an existing street system and build the opportunity to release this land for its better development potential when there is connection to the East. Staff also wants to make sure that they are providing for the necessary interconnection to the West through Parkside to create the full transportation system.

Mr. Loewenstein stated that to have the full transportation system created would have to be done in such a way as to not negatively impact the Parkside Village people.

Mr. Cilimberg stated that there was one thing that needs to be understood which was that they were trying at this time not to overburden that system. The connections will probably come in phases and you might not have the full Main Street when you get the connection to the East so that Hilltop may still have to carry the traffic burden of through traffic movement that it is not carrying today. But it will be with other alternatives to access the further development to the East. He stated that he did not want to say that there won't ever be any impact on Hilltop because there very possibly will be. It will be a shared impact not only with Hilltop, but also with other roads such as Park Ridge Road or the Western Ridge Road and possibly others that are intended to create that full system.

Mr. Runkle stated that he has worked with the contract purchaser, Bob Hauser, in Phase 2 of Parkside and the County in trying to get Main Street to go straight through. Unfortunately, there were a couple of sales made the same day they tried to do that. He pointed out that was an approved plat. But, they have agreed to hold the lots on Hilltop where it loops up parallel to the railroad tract between the road and the railroad tract and the roads to the west side so that Hilltop can be reconfigured to connect through to the Connaly property. They can work together to get a 50 foot right-of-way through that property. He pointed out that Bob Hauser is working cooperatively with them to try to get this through connection. He felt that it was worth mentioning that effort or agreement is there.

Mr. Finley stated that the condition said it was until approved by the County of Albemarle and constructed or bonded. He asked that once it was bonded if they could then proceed with more than the two dwellings.

Ms. Echols stated that was correct.

Mr. Finley asked if that approval by Albemarle County comes with the approval of the Master Plan.

Ms. Echols stated no, that it would be through a further subdivision of the property that would allow them to do more units than just the two. The Master Plan sets up the guidelines for where the road should be. A future subdivision plat or a site plan would come in to further develop the property for more than these two units and they would be able to get the road at the time they get another subdivision or site plan. Once they bring that in they probably are bonding the subdivision road and then they could open up the other access way.

Mr. Finley stated that would be after Albemarle County approval.

Ms. Echols stated that was correct. The concern on the bonding was that sometimes there is a long period of time between a road being completed and the time it gets into the system.

Mr. Rieley asked if there were other questions. He stated that clearly this was a difficult issue that requires some creative solutions and a leap of faith on the part of the people beginning on this. He hoped as they move forward on these issues that they will get the system so that people will be able to move into these with assurance that they are not going to get caught in the middle with unreasonable expectations after having invested in them. He asked Mr. Fox if he would like to speak.

Mr. Fox stated that let's say that Mr. Connaly never comes around and you don't get that road with the Main Street going all the way through the west. You have a stream crossing and a green way and 6 ½ or 7 acres abutting the park right now, which is at the end of Indigo, which is on Parcel B. He stated that he was concerned that there might be a circumstance where you don't have a good connection other than Hilltop to the west and a subdivision comes in even after the roads have been provided to the east and the whole Hilltop neighborhood comes out and swarms to potentially vote down or contest the subdivision of that 6 ½ acres. Unless the County works out a reasonably system to call those reservations, it is going to hurt the whole Masterplanning process.

Mr. Thomas stated that as much as they would like to go in that direction, it is tough and he did not think at this time that it could be done.

Mr. Rieley stated that he thought they have to play the ball where it lies.

Mr. Cilimberg stated that tomorrow they will begin to talk about how ultimately a Master Plan gets implemented. He pointed out that they were dealing within certain restraints right now of what they know they can do to get it implemented. The Commission is going to begin discussing tomorrow, and the Board will be as well, implementation options or implementation alternatives that may be in an area that we are not used to as a County. Now whether or not they will go down certain roads in the implementation will be left up to the decision-makers. Staff is trying to take it as far as they can now. He stated that tomorrow's meeting discussion would be on how they will work towards ultimate implementation. He pointed out that they were going to face other situations like this. This Masterplanning has introduced a whole new level of thinking about what we do as a County government that has not been done in the past.

Mr. Loewenstein stated that they owe it to the entire County to put that process in place both as quickly and thoughtfully as possible since this is an uncomfortable place to be for all parties involved.

Mr. Rieley stated that they are going to have to deal with the reconciliation of those types of issues for a long time to come. He asked for a motion.

Ms. Hopper moved for the approval of the private road authorization for SUB-02-249 with the following conditions:

1. Parcel A shall not be further divided, nor shall more than two (2) dwelling units be constructed until such time as one (1) or more means of vehicular access has been approved by the County of Albemarle and constructed or bonded from State Route 240 (Three Notch'd Road), State Route 250 (Rockfish Gap Turnpike), Park Ridge Road or another existing state maintained road from the east with sufficient capacity for the future development of Parcel A.

2. Parcel B shall not be further divided, nor shall more than two (2) dwelling units be constructed until such time as one (1) or more means of vehicular access has been approved by the County of Albemarle and constructed or bonded from State Route 240 (Three Notch'd Road), State Route 250 (Rockfish Gap Turnpike), Park Ridge Road or another existing state maintained road from the east with sufficient capacity for the future development of Parcel B.

3. Place the following note on the plat: "Parcel A shall not be further divided, nor shall more than two (2) dwelling units be constructed until such time as one (1) or more means of vehicular access has been approved by the County of Albemarle and constructed or bonded from State Route 240 (Three Notch'd Road), State Route 250 (Rockfish Gap Turnpike), Park Ridge Road or another existing state maintained road from the east with sufficient capacity for the future development of Parcel A."

4. Place the following note on the plat: "Parcel B shall not be further divided, nor shall more than two (2) dwelling units be constructed until such time as one (1) or more means of vehicular access has been approved by the County of Albemarle and constructed or bonded from State Route 240 (Three Notch'd Road), State Route 250 (Rockfish Gap Turnpike), Park Ridge Road or another existing state maintained road from the east with sufficient capacity for the future development of Parcel B."

5. Submit a road maintenance agreement for the private roads. This agreement shall be subject to County Attorney review and approval. [14-313]

Mr. Thomas seconded the motion.

Mr. Finley stated that in order to vote or abstain that he needed to understand a little better what the approval would mean. He asked if this was a fair restriction or is it a restriction at all?

Mr. Rieley stated that it was a restriction in that beyond the amount of development that is laid out in these conditions that they cannot develop until these road connections can be made. Those road connections are absolutely consistent between what the County wants to see done and what the developer wants to see done. What he thought the developer would like to see is some assurance that when they are ready to make one connection and that the other can be made as well. The County cannot make that assurance in an official capacity although many of us have said that they favor that. He asked for a roll call vote.

The motion carried unanimously (6:0). (Edgerton – absent)

Mr. Rieley stated that it was incumbent on each of the Commissioners to remember the conversations that they have had tonight and as this moves to the next stage to make sure to be consistent.

Work Session:

ZTA-03-01 Relegated Parking – Modifications to the Zoning Ordinance to achieve relegated parking in accordance with the recommendations of the Land Use Plan. This will include a Resolution of Intent to amend Section 4.12 and other related sections of the Zoning Ordinance. (This item was referred to the Planning Commission from the Board of Supervisors on 2/5/03). (Elaine Echols)

Ms. Echols stated that the Board of Supervisors did not adopt the parking amendment with relegated parking in it. They sent it back to the Commission to try to work something out that was good for the business community and the County. Staff has been struggling on how they can provide that for you. The terminology about dominant features seems to be problematic. Therefore, staff has two things that they need from the Commission tonight. One of them is for the Commission to look at their options and explain them to see if they have any of these three that they would like to proceed with or go a different direction altogether. The second thing is to ask the Commission to establish a process by which the business and developing community and the public can be a part of what you come up with. To begin, she asked to go over the three options. Option A is the most restrictive and says that on a corner lot you would have to place the building on the corner and then the parking could be to one of the sides with the building sitting on the corner. The parking can be no closer than the building and would either have parking to the rear or parking to the side. The idea is that you would have the building facing the street and the parking would be no closer to the street than the building. That is option A. Option B would talk about the different kinds of uses and how well you would relegate parking. On an office use, you might have the building on the corner and the parking would be no closer to the street than the building and you would allow parking to the side. But perhaps for a retail use you might allow some parking in the front. For a multi-family use you would not have parking in the front, but on the side. What they were talking about here was making some distinctions between uses. You might in an industrial situation not choose to have the building up close to the street. She pointed out that warehouse uses are usually not pedestrian oriented, but they need vehicular access. She noted that the Commission might agree or disagree. There might be cases where you would have different requirements for different degrees of relegation. Option C could be used with Option A or Option B but it would make an exception for certain circumstances. The Commission has seen this one several times in terms of proposed developments along Route 29, but the same thing is true particularly on Route 250 East. It is a road that needs to have a streetscape established. The point of Option C is that there needs to be a streetscape established so that they know how to advise applicants on how to relate to that street. If you decided that Route 29 was not pedestrian orientation, then you might think it appropriate to provide some kind of a buffer area in which you have a sidewalk farther away from the street and then allow for some parking in the front and to the side. It is an option and an idea about how you make distinctions between different circumstances. Staff has outlined a potential process by which the Commission could advise the staff on how they would like to proceed next with the different options. Staff would develop the ordinance language and then have a focused discussion meeting. That is not the only way to involve the public process. There are two other ways described in the staff report. One would be to have a work session to get input from the public before you make any decisions about which way you want to go next. Another decision might be to have a small committee work on this. All of these are viable and staff would just ask that you consider both the options and the process and advise the staff and the public on how you want to proceed with relegated parking. She pointed out that the Commission needs to pass a resolution of intent so that staff can begin the process.

Mr. Rieley asked that they pass the resolution of intent first. He asked if everyone has seen this. He asked for a motion.

Mr. Finley moved to approve the resolution of intent for Relegated Parking as presented in order to start the process.

RESOLUTION OF INTENT

WHEREAS, Section 4.12, Parking, Stacking and Loading, of the Zoning Ordinance establishes the regulations applicable to parking, stacking and loading;

WHEREAS, the Land Use Plan, an element of the Comprehensive Plan, states in part that "the preference will be for parking lots to be located to the rear and/or sides of buildings" and that "parking should be located to the side and rear of structures and generally should not be the dominant feature seen from the public road or other adjacent areas."

WHEREAS, it is desired to amend Sections 4.12, and other related sections of the Zoning Ordinance, to implement the foregoing policies of the Land Use Plan pertaining to relegated parking.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 4.12 and other related sections of the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

Mr. Loewenstein seconded the motion.

The motion carried unanimously (6:0). (Edgerton – absent)

Mr. Rieley stated that there were two issues to discuss. One was just general strategies that have been outlined for the Commission by Ms. Echols. He stated that he would be happy to discuss the various options. But it seemed that the most important thing that they should do is to lie out their strategy on how to do this. In many ways he would like to engage the people who are affected by this before they get too far into the ideas about each of these three options. He suggested that they as quickly as possible set up a work session that would be an open microphone for people to express their views and to circulate these ideas for reaction.

Mr. Craddock concurred.

Ms Hopper concurred. She opposed using the small committee because that process delays things too much.

Mr. Rieley stated that the tentative strategy with associated dates beyond tonight began with the proposed language for relegated parking and sets up a focused discussion meeting. He wondered whether simply allowing a restatement of some of the concerns that the Board heard and some of the concerns that have been expressed since. In other words, begin with a work session that gets the issues on the table. It seems that would get this going in a hurry and let the Commission hear the concerns. He pointed out that the Board heard a lot more concerns about this than the Commission did. He thought it would be good for these issues to be aired as soon as possible and get them on the table and then come back to the discussions about the options within that context. He stated that the first work session would be to take input from the public. The second work session would be for them to boil the issues down and discuss them and give direction to staff. The third work session would be to put that in a form for specific language for public hearing. Then the public hearing would be held with the Board of Supervisors. He felt that would be a good process to ensure a good broad hearing.

Mr. Craddock suggested that they have a 4:00 p.m. work session instead of one late at night.

Ms. Echols stated that staff feels that the hearing could occur in about two weeks with notices going out to the public within the next few days.

Mr. Rieley stated that they could talk about the three options later.

Mr. Cilimberg pointed out that there might be other options given.

Mr. Rieley stated that this really gives a good basis for the framework for the discussion. He stated that they would be able to ask questions as well as give the public a chance to air their comments.

In summary:
The Planning Commission discussed how to develop the process by which the businesses in the community and the public could be a part of establishing the modifications to the Zoning Ordinance to achieve relegated parking in accordance with the recommendations of the Land Use Plan. The Commission laid out their strategy in how to do this. First, they wanted to engage the opinion of those people who were affected by this before they get too far into the idea of each of the proposed options. As soon as possible, they requested that a 4:00 p.m. work session be set up for the public to express their views and to circulate these ideas for reaction.

Ms. Echols stated that staff could send out notices soon for a work session in two weeks with the date to be determined by staff.

Old Business

There being no old business, the meeting proceeded.

New Business

Mr. Cilimberg stated that the Planning Commission has a joint work session with the Board of Supervisors tomorrow at 2:00 p.m. to wrap up the Rural Areas discussion from last month and then to look at the implementation of the Master Plan. He asked that as many Commissioners attend as possible.

Mr. Kamptner distributed copies of a letter written to reply to Mr. Buck's letter that the Commission received a few weeks ago.

Adjournment

With no further business, the meeting adjourned at 7:15 p.m. to the next meeting with the Board of Supervisors on April 2nd at 2:00 p.m. in Meeting Room # 235.

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V. Wayne Cilimberg, Secretary

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