

**FINAL ACTIONS**  
**Planning Commission Meeting of August 28, 2012**

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>FOLLOW-UP ACTION</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 6:00 p.m. by Mr. Morris, Chair. PC members present were Mr. Morris, Mr. Lafferty, Vice-Chair; Mr. Dotson, Mr. Loach, Mr. Franco, Mr. Randolph and Mr. Smith. Ms. Monteith was present. Mr. Randolph arrived at 6:03 p.m.</li> <li>Staff present was Summer Frederick, Ron White, J.T. Newberry, Elaine Echols, Andy Sorrell, David Benish, Phil Custer; Susan Stimart, Sharon Taylor, and Greg Kamptner.</li> </ul>	
<p>2. <b>From the Public: Matters Not Listed for Public Hearing on the Agenda.</b></p> <p>Neil Williamson, Free Enterprise Forum, spoke on the Sinclair decision and urged the Commission to consider removing the requirement and waiver process for critical slopes in the Development Areas.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li><u>None</u></li> </ul>
<p>3. <b><u>Consent Agenda</u></b></p> <p><b><u>Approval of Minutes:</u></b> July 24, 2012</p> <p><b>APPROVED CONSENT AGENDA</b>, by a vote of 6:0. (Randolph absent)</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>Finalize Minutes &amp; Obtain Signature</li> </ul>
<p>4. <b>Work Sessions</b></p> <p><b><u>Affordable Housing Policy</u></b> (Ron White)</p> <p>The Commission received staff's presentation, took public comment, and commented on the information provided. Staff was asked to take the Commission's comments into consideration in the Comp Plan Update as noted in <b>Attachment 1</b>. No formal action taken.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>Refer to comments and suggestions noted in <b>Attachment 1</b> in further work on the Comp Plan Update. (Minutes will reflect Individual Comments and Suggestions)</li> </ul>
<p><b>The Planning Commission took a break at 8:05 p.m. and the meeting reconvened at 8:13 p.m. in the middle of the Rural Commercial Session.</b></p>	
<p>5. <b><u>Rural Commercial Uses Session</u></b> (Elaine Echols)</p> <p>The Commission held a work session on Rural Commercial uses and received staff's presentation, took public comment, and commented on the information provided. Staff was asked to take the Commission's comments into consideration in the Comp Plan Update as noted in <b>Attachment 2</b>. No formal action taken.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>Refer to comments and suggestions noted in <b>Attachment 2</b> in further work on the Comp Plan Update. (Minutes will reflect Individual Comments and Suggestions)</li> </ul>

<p>5. <b><u>Livability Project Goals Work Session</u></b> (Summer Frederick)</p> <p>The Commission received staff's presentation, and commented on the information provided. Staff was asked to take the Commission's comments into consideration in the Comp Plan Update as noted in <b>Attachment 3</b>. No formal action taken.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>• Refer to comments and suggestions noted in <b>Attachment 3</b> in further work on the Comp Plan Update. (Minutes will reflect Individual Comments and Suggestions)</li> </ul>
<p>6. <b><u>Distribution of Sections of Updated Comprehensive Plan – First Draft</u></b> (Elaine Echols)</p> <p>Staff distributed first draft of Comp Plan Updated Sections for review.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
<p>7. <b>Old Business</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
<p>8. <b>New Business</b></p> <ul style="list-style-type: none"> <li>• No meeting on Tuesday, September 4, 2012</li> <li>• NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, SEPTEMBER 11, 2012.</li> </ul>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
<p>9. • Adjourn to September 11, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:22 p.m.</li> </ul>	

- Attachment 1 - Affordable Housing Policy - Planning Commission Comments**  
**Attachment 2 - Rural Commercial Uses Session – Planning Commission Comments**  
**Attachment 3 - Livability Project Goals - Planning Commission Comments**

**ATTACHMENT 1**  
**Affordable Housing Policy Work Session – Planning Commission Comments**

**Affordable Housing Discussion**

The Commission received staff's presentation and public comment. Ron White reviewed the affordable housing staff report in the packet and provided an overview of the proposed changes to the Affordable Housing Policy. The proposed revisions were the result of a work group that provided input for revisions to the Affordable Housing Policy for consideration. Staff presented the revised Affordable Housing Policy to the Planning Commission for discussion and further guidance from the Commission.

**Planning Commission Comments:**

Commissioners made the following comments or asked the following questions:

- Is the policy geared more towards having dwelling units available or is the policy intended to help people get in the affordable units? If the County is receiving cash in lieu of units through affordable housing proffers, then the policy is focusing on the dwelling units and not helping individuals. Mr. White responded that the County's policy has been making sure there was a mix of housing types available for all income levels. He said the policy has been focused on provision of dwelling units, not focused on helping individuals.
- The recommendations provided by staff suggested that land donation for affordable housing might be appropriate. Concerns were raised that a land donation for affordable units would result in a concentration of units in the same area which is not what the policy desires. The Neighborhood Model desires a mixed level of housing types.
- the need for affordable housing is a countywide problem with a development area solution only. What about affordable housing in the rural areas?
- Mr. White was asked what the affordability term was. Mr. White responded that had been 5 years but is now 10 years.
- The policy should also include a new section on retention of existing affordable housing such as is in the rural areas. The County shouldn't just focus on proffers; the County should also be improving its commitment to funding the affordable housing program.
- Cash proffer calculations for the County's cash proffer policy use the Marshall-Swift Index, and so should the housing policy.
- In areas where affordable housing already exists, it may be appropriate for developers to proffer cash instead of providing units.
- The truly underserved market is the deeply affordable dwelling units where households are in the 30% to 50% of median household income range.
- Ordinance changes should make it easier to build affordable units. The county needs to take a more active role in proactively identifying new opportunities for affordable housing.
- Increased coordination with the City is needed. The policy is missing the County's financial commitment to affordable housing.
- The parallels between the City and County affordable housing programs need to be better addressed.
- Staff should look at providing for multi-family housing in the density bonus provisions.
- Accessory dwelling units for elderly parents should not be considered affordable housing. Mr. Kamptner noted that the staff recommendations to permit accessory dwelling units outside of the house in the Rural Areas for elderly parents would have the effect of doubling the density permitted. Mr. White said that this issue needed further discussion. Mr. Kamptner stated that the current Comprehensive Plan policy was to direct residential units to the Development Areas and not encourage additional units in the Rural Area as the draft policy could suggest. Mr. Kamptner suggested that the draft policy be reviewed against the goals and policies of the Comprehensive Plan to avoid other conflicts.

The following comments came from the public:

Frazier Bell, Chairman of the Thomas Jefferson Land Trust, explained his organization which is a group that leases the land that certain affordable housing units are upon thereby removing the land price from the equation. A homeowner owns the home and a homeowner can get up to 25% of the appreciated value of the improvements when a home is sold helping to keep the home affordable.

The following are the final Commission comments/suggestions to be done as follow up:

- Suggested the policy draft be amended to read “explore” changes to the zoning ordinance.
- Asked that the acronyms be defined.
- Suggested that working with an editor unfamiliar with affordable housing may be good to get an easy to read and understandable document. Also suggested that an example book be prepared that showed examples of what communities with a mixture of housing types (including affordable units) looked like.

No formal action taken.

## **Attachment 2 – Rural Commercial Uses Session – Planning Commission Comments**

### **Rural Commercial Uses**

The Commission received the staff presentation and public comment. Elaine Echols provided a PowerPoint presentation on the topic.

The following comments came from the public:

Tom Olivier: representing the Piedmont Group of the Sierra Club stated that Rural Area uses should support resource protection and new uses should support existing uses. Suggested that if larger tourist lodging was desired, then perhaps the property's development rights could be retired. Desired to ensure educational event remain as a permitted use in the rural areas.

Art Beltrone: Keswick resident, stated that the proposed changes to the uses are monumental. Stated that the police do not respond to noise complaints regarding vineyards on the weekends. Zoning enforcement staff doesn't work on weekend, so enforcement of noise regulations is often non-existent. Asked who was keeping count on the number of complaints a property has received and stated that whatever is put in place, it needs to be enforceable.

Greg Smith: Executive Director of the Va. Center for Creative Arts – currently located in Amherst County and is considering relocating to the rural Albemarle County. Stressed the need for inclusion of arts and cultural activities in the rural areas.

Biff Rosenberg: founder of the Crozet Music Festival – stated that it is challenging to get through the county permitting process for special events. Stated that there appears to be a fear by county officials to permit special events in the rural areas. Stated that the application cost for a special use permit was prohibitive.

Jeff Werner: Piedmont Environmental Council, liked the idea of adaptive reuse at Crossroads communities. Suggested doing small area plans for the crossroad communities. Asked Commission to think about the size of the water and sewer systems when considering expanding lodging opportunities. Suggested that special use permits for special events have a renewal schedule so that public comment and the actual activities that occur at the event can be vetted during the renewal process. Asked the Commission to think of the Faulkner site by Agnor Hurt when thinking of contractor's storage yards and the run-off issues.

Sarah Henley: owner of Henley's Orchard in Crozet, rural business owners are trying to do everything to stay in business and events help them make ends meet. Losing income from storms means orchard owners and others need to make up lost income elsewhere. Implored the Commission to be flexible in permitting and liked the idea of local restaurants to complement wineries. Suggested that special event regulations be based upon a track record of what happens at events.

Neil Williamson: Free Enterprise Forum asked what the County is measuring against. Did not like the seven rural area questions to determine if a use is appropriate. Liked the adaptive reuse of historic buildings at crossroad communities.

Morgan Butler: Southern Environmental Law Center, Keep the Rural Area guiding principles in mind that relate to natural resources. These highlight the need to take measured steps – as big steps have already been made. Results of the previous RA allowance need time to observe if they are working first. Be careful with special permits. What happen when a threshold is reached that undercuts uses that have already been permitted?

### **Commission Comments on Rural Uses:**

Commissioners made the following comments or asked the following questions:

- What does "rural character" mean? This term needs to be defined.
- Everything that could be classified as historic is not necessarily historical significant.
- The use, "cyclo-cross" should be added to the listing of commercial recreational uses.
- The police department should be referenced in the supplemental regulations for uses.
- Contractor's storage yards and mini-warehouses are not appropriate rural area uses.
- There is a difference between a contractor's storage yard and a lay down yard.
- This work should provide emphasis on having more opportunities for existing rural area residents and not new residents to the rural areas.

- Using a residential equivalent and the ITE traffic manual can begin to define scale for uses. Lodging like Keswick on 5 acres may not be appropriate, but 500 acres may be fine if development rights are retired.
- The seven questions to consider seem subjective and controversial.
- Is a new nomenclature needed for the RA?
- Do we need a limitation of the density of commercial activities on rural roads? Should the larger special events be permitted adjacent to DA where roads are better?
- More should be heard from rural area residents.
- A residential equivalent is not a good measure to use. The build out analysis done several years back by the PDC is not a reality. The seven RA criteria to consider require some qualitative judgments.
- The title of this report should be: Rural protection through Rural Enterprise. In knowing whether a use is appropriate, the question should be asked: Does the success of this use depend on it being in the rural area?

### **Recommendations on Rural Uses**

Most Commissioners agreed that the title of the report should have been “Rural Protection through Rural Enterprise”. Discussions relating to uses in the Rural Areas should always take place with this in mind. In addition, the following question about new uses in the Rural Areas should be added to the criteria for review: Does the success of the use require a rural location?

### **Recommendations on Lodging**

Commissioners agreed that more opportunities should be provided for lodging in the Rural Areas but could not agree on how this should take place. Discussions on size and scale of facilities, by-right use with performance measures, opportunities for public comment, road quality, and cumulative impacts were discussed. Staff recommended and the Commission concurred that more detailed recommendations would require more work and discussion. The Commission agreed that the Comprehensive Plan should contain language to this effect: Consider ways to allow lodging by-right in the Rural Areas.

### **Recommendations on Restaurants and Food Preparation**

The Comprehensive Plan should contain language which is supportive of restaurants at crossroads communities; however, the Commission would like to learn more about which crossroads communities might be designated. Consideration should be given to allowing restaurants at crossroads communities by-right.

### **Recommendations on Orchards and Farms**

Unanimous support was given to placing orchards, farms, and other true agricultural uses on par with farm wineries in terms of allowing events of up to 200 by-right. The Commission said the Comprehensive Plan should contain language which expands the event opportunities provided to farm wineries to farms, orchards, and other true agricultural uses.

### **Recommendations on Commercial Recreation:**

Discussion took place about why the term “commercial” was included with “recreational uses” and the need to include arts and educational activities in the list of new uses in the Rural Areas. It was noted that arts and educational activities don’t fall cleanly into private schools or commercial activities and may need a separate category in the zoning ordinance. The Commission recommended that the list of commercial recreational uses allowed in the Rural Areas should be updated and expanded. The Plan should speak to support for the arts and clear provision should be made for arts and education centers in the zoning regulations. Consideration should be given to by-right uses for arts and education.

### **Agricultural Business and Industry:**

The Commission reiterated its support from prior meetings for expansion of opportunities for uses in the Rural Areas which support agriculture and forestry. The Commission said the Comprehensive Plan should recommend that the list of uses allowed by-right should include uses such as wholesale nurseries and landscape services. Uses such as small storage and distribution facilities that relate to local agricultural or forestry production or facilities that enhance the ability of agriculturalists to get their goods to market should be available in the Rural Areas. Consideration should be given to whether any of these uses should be allowed by-right. The line between a “use” and a “home occupation” should be clarified in the zoning regulations.

**Recommendations for Events:**

The Commission noted the difficulty of having a discussion on events without making specific zoning text changes. However, support was given for uses of a civic nature to have by-right opportunities for gathering, at a level of no more than 200 occupants. These uses of a civic nature would include churches and religious institutions, fraternal organizations, and community centers.

Discussion on other events was not conclusive. Staff had recommended a cut-off of 100 occupants in a by-right situation and more than 100 would require special permission. The Commission asked questions about whether 100 persons meant “100 persons at any given time” or “no more than 100 persons in total at an event”

The Commission concluded that the Comprehensive Plan should support changes to the zoning ordinance to allow civic uses to have occupancy of up to 200 persons without special permission. Consideration should be given to allowing up to 100 participants at events by-right.

**Recommendations on Mini-warehouses:**

The Planning Commission agreed with staff that mini-warehouses are not appropriate for the rural areas and should be in development areas.

**Contractor Storage Yards:**

The Planning Commission disagreed with staff and said that contractor’s storage yards were not appropriate for the rural areas and should be in development areas

### **Attachment 3 - Livability Project Goals - Planning Commission Comments**

#### **Livability Project**

Thomas Jefferson Planning District Commission staff Summer Frederick reviewed the staff report on areas the City and County could collaborate.

The Planning Commission reviewed, discussed, and answered the questions as requested by staff for advance preparation for a fall City-County workshop to develop joint Liveability Project Goals. The Commission agreed with the staff report bullets and added comments as outlined below.

#### **Future ways in which the City and County could work together:**

- County designation of technology corridors which lead into City technology corridors
- Taking a collaborative strategic approach towards shared assets/resources like the Rivanna River
- Continue to encourage multi-modal connections between the jurisdictions that link attractive amenities with residential and employment areas

#### **Future ways in which the City and County could work together:**

- Focus on maintaining affordable housing information (i.e. funding sources, available stock type, etc) in a consistent manner to facilitate ease of information sharing.

#### **Future ways in which the City and County could work together:**

- Taking a collaborative strategic approach towards shared assets/resources like the Rivanna River
- Continue to encourage multi-modal connections between the jurisdictions that link attractive amenities with residential and employment areas
- Increase the number of co-sponsoring of programs and joint building of facilities to expand recreational opportunities
- Regular meetings among staff of both localities to collaborate in more joint program opportunities.
- Create more linkages between City and County facilities.

The Planning Commission added the following comments:

#### **Economic Development:**

- The Planning Commission commented that City professional services provide jobs to county residents.
- The Commission asked what a Technology Corridor was.

#### **Housing:**

- The Planning Commission commented that most affordable units are from multiunit rentals not ones that are part of proffers.
- One Commissioner said that the City and County should work together to lobby the General Assembly in Richmond as well as work with UVA on joint activities and functions. Couldn't the City and County share a Housing office?

#### **Recreation and Parks:**

- The Planning Commission stated that the Rivanna River is a destination and that additional pedestrian crossing needs to be a priority goal of both the City and County.
- The plan should acknowledge that the County's protection of rural resources and natural areas is a benefit for the City.
- Commissioners said that Parks and Recreational green systems provide to water quality for the community – Efforts should be acknowledged that are underway with a lot of coordination between UVA, County and City to preserve water quality.
- Scottsville should be mentioned as part of county jurisdiction and be included in part of the conversations.
- The plan should acknowledge the Rivanna Trail as a resource and encourage all entities to continue to benefit the entire beltway system that Rivanna Trail provides. The bullet about who uses and how access is achieved to park amenities should be expanded.
- The value of both blue and green infrastructure should be mentioned.