

**Albemarle County Planning Commission
Final Meeting Minutes July 11, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 11, 2023, at 6:00 p.m.

Members attending were: Corey Clayborne, Chair; Fred Missel, Vice-Chair; Julian Bivins; Luis Carrazana; Karen Firehock; Lonnie Murray.

Members absent: Nathan Moore.

Other officials present were: Kevin McDermott, Interim Director of Planning; David Shifflett; Amelia McCulley; Syd Shoaf; Andy Herrick, County Attorney's Office; and Alberic Karina-Plun, Acting Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Karina-Plun called the roll.

Mr. Clayborne established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

Mr. Missel motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Murray. The motion passed unanimously (5-0). Mr. Moore was absent from the vote.

Presentation

a. Community Development Department Fees Restructuring

Mr. David Shifflett, Assistant Director of Administration in Community Development, stated that he was joined by the Special Projects Manager Amelia McCulley as well as members of the Berkley Group, Chris Musso and Darren Coffey. He said that this project would serve several key purposes while being consistent with Board direction from 2021, and was an important step towards facilitating the implementation of the new community development system, which was a permit and application tracking platform that would eventually replace County View.

Mr. Shifflett stated that the key themes in the fees restructuring project were simplifying and consolidating the fees. He stated that the fees would move from 312 separate fees in six separate code sections into one unified code section. He stated that with staff's recommended fee schedule, they would have 154 total fees, which was greater than a 50% reduction in the number of fees currently. He stated that the resulting unified fee schedule would be moved to a new County code section that would make it easier to revisit and amend on a regular basis.

Mr. Shifflett stated that for the major amendments, in 2007, consultants from the Public Financial Management Group completed a comprehensive study on the County cost for providing services associated with the various applications and permits in the department, and the fee ordinance

amendments were adopted in 2008 and 2009. He said that the current work did not include a service cost study.

Mr. Shifflett said that in 2008, the Board established a policy to update fees based on approved changes to staff compensation, and these updates were intended to occur every two years, but were not routinely completed. He said that since 2008, they updated all CDD fees together a total of two times. He said that the most recent update to fees was adopted on April 21, 2021, and went into effect on July 1, 2021, and included a new technology fee based on 4% of the total application fee based on Virginia Code.

Mr. Chris Musso, Planner with the Berkley Group, stated that the scope of this project did not include an examination of the current fee costs and was strictly based on structure alone. He stated that this project was approached with an intention to maintain neutrality within the 2% base mark, meaning that they did not go higher or lower than 2% of what the current fees were. He said that there were chances or opportunities where they needed to combine fees together, and in those cases, they tried to maintain revenue neutrality at all times. He stated that it was a rigorous process to maintain this, especially with the residential building fees, which he would discuss later.

Mr. Musso said that a major aspect of this project was benchmarking. He stated that they chose seven localities with similar and development patterns to Albemarle County, similar to those that had been used in the past and chosen with the help of CDD staff. He said that benchmarking of these locality fee charges was avoided where possible; they were only looking at a snapshot comparison of the structure of these benchmarks and not their actual cost of fees.

Mr. Musso stated that the overall goal of the project was to simplify and streamline this and create a new schedule based on the best practices throughout Virginia. He said that they found that in total, Albemarle was doing a lot of things correctly, especially residential, and commercial building fees based on square footage, so they wanted to find the things that Albemarle could improve upon and streamline those processes.

Mr. Musso said that displayed on the screen was a list of all data sources used. He said that in addition to the benchmark locality fees, they used readily available data sources, especially to create residential building fees based on home prices, and mean and median home prices versus original income patterns, which was to reduce the barriers of entering into the home markets. He said that they engaged with the community where possible, with outreach to the Blue Ridge Home Builders and Charlottesville Area Development Roundtable. He said that drafts were shared with BRHB and CADR in order to receive input throughout the process.

Mr. Musso stated that they also compiled a community survey, in which draft fees were provided to 2,700 members of the community who had gone through the development process, and 16 responses were given to the follow-up survey. He clarified that although the number of respondents was low, it was usually a good sign that no one had anything to say. He said that the general feedback they received from the 16 responses was positive, and people were glad they were simplifying the fees. He said that some comments made were associated with helping to enhance clarity and transparency in some of the categories, but most of those were addressed and updated in the current draft provided to the Planning Commission.

Mr. Musso said that the current slide showed the comparative analysis with the benchmark localities, with the current Albemarle County fees on the left side. He stated that what stood out

the most was that they had a lot more categories than the other localities by a large margin in some areas. He said that a big goal was to reduce some of those categories. He said that that was achieved on the righthand side, where the proposed numbers were listed. He said that it was a reduction in about 53% in fee categories overall, which helped in simplifying the process by rolling multiple fees into one and eliminating redundancies throughout.

Mr. Musso said that overall, these changes have helped reorganize, consolidate, simplify, and reduce redundancies of the fee categories in Albemarle County. He said that in addition, they would all be in one place in a new chapter of the County Code, and it would be very simple to change it on an annual or biannual basis. He said that they expected the adoption of this to be simultaneous with the CDS permitting system, and hopefully the combination of those two would address these changes and make for an easier system for you and your community members.

Mr. Shifflett said that he would discuss the top five proposed changes. He said that the first was the bundled and tiered single-family residential fee structure. He said that to consolidate and simplify fees, he proposed making building fees for single-family residential applications into different categories or tiers based on the size of the home in square feet. He said that this effort was supported as one of the recommended best practices for the fee schedules. He said that single-family residential fees were chosen because they were a frequent billing permit type and more conducive to bundling fees.

Mr. Shifflett said that commercial permits were important, but were fewer in number and far more complex. He said that based on the Berkley Group's assessment, their current fees were quite transparent and fair. He said that in the current fee schedule, the single-family residential permit fees were based on three separate calculations. He said the current fee was \$0.58 per square foot of finished space, plus \$0.18 per square foot for unfinished space, plus \$0.05 per gross square foot minus the area of an unfinished basement, for plan review. He said that the bundle fee applied to all types of square footages included the building plan review and the first two inspections per inspection type.

Mr. Shifflett said that determining the tiers for these bundled fees involved extensive assessment and data modeling to ensure the proposal was revenue-neutral and did not represent substantial changes from the current fees paid. He said that the proposed fees were tested against single-family building permit applications received since July 1, 2020, to evaluate the expected revenues with adoption of the updated fee schedule. He said that the proposed was to recognize that larger homes required more extensive plan review and inspection time than smaller homes, and they proposed six tiers of bundled fees based on house size, as listed in the staff report as Attachment C.

Mr. Shifflett said that the increasing costs of newspaper and postage had exceeded the current fees, so to better address these costs, they proposed a fee pay for notice to be changed to the actual cost for the advertisement when an advertisement was applicable and the actual cost of the postage for mailings. He said that the initial application fee would include a standard administrative fee for the notice and the actual cost for the notice would be charged following the mailings and prior to the issuance of related permits. He stated that this approach did not allow complete predictability of the fee, but was recommended by staff as the best way to capture these costs.

Mr. Shifflett said that also proposed was the merger of multiple fee categories for a single flat fee. He said that to be consistent with best practices, fee categories had been combined and the

overall number of fee categories were reduced. He said that examples included multiple tenant fees involved in a single application were combined into one fee category and multiple separate fee categories were combined into one category. He said that for fee consistency, where they had found inconsistencies in existing CDD fees, they had sought to establish a common fee where relevant.

Mr. Shifflett said that fees relating to transactions for performance bonds and for appeals of decisions under the regulations were two examples of proposed changes to establish consistency. He stated that rounding to the nearest dollar was the last proposed change, meaning that fee amounts would be rounded to the nearest number ending in a zero or a five. He said that incidentally, there were two fees that were not rounded that were caught after the fact, and they would review the schedule for rounding quality control as they continued.

Mr. Shifflett said that the next steps included an August 16 work session with the Board of Supervisors, and following their input, they would schedule public hearings with the Commission and Board in the late fall and early winter. He said that staff recommended an effective date of July 1, 2024, for the new fee schedule, which would allow CDD time to make the necessary changes to their information systems and limited cost impacts on contracts already underway.

Mr. Murray said that looking at the bundled and tiered single-family residential fee structure, it looked like the highest tier was 7,500 square feet. He asked if they had done an analysis of how many homes in Albemarle currently fell into the different categories. He asked if they knew how many homes were above 7,500 square feet, and how many square feet were in the largest house in Albemarle. He said that they previously were charging upon square feet, so a very large mansion would be paying a lot more money, and they would be rolling that cost into the other categories now.

Mr. Shifflett said that comparing to the current fees was not applicable because the current fees were based on the three separate calculations and the new ones were based on bands. He said that regarding the 7,500 square feet, it meant that anything over 7,500 square feet.

Mr. Murray said that he understood. He said that he was asking how many they had over 15,000 square feet. He said that it seemed like there were a lot of potential homes that could be above 7,500 square feet in Albemarle County, so he would like to know how many there were and what the mean was.

Ms. Amelia McCulley, Special Projects Manager, stated that they ran the numbers many different ways, and the percentage of homes that fell into the 7,500 square feet was a very small number. She said that in terms of how large the houses get, she could not say off the top of her head. She said that they worked with lots of different datasets to get the most accurate numbers possible for revenue projections and to compare to the existing fees. She said that they were not attuned to how big the houses got but were looking at existing costs versus proposed costs. She said that she would have to search for that dataset, but it was a smaller number than expected for those houses above 7,500 square feet.

Mr. Missel stated that an example under agricultural and forestal districts was a recommendation for eliminating the fee to create or add to the district, but maintaining the fee for withdrawing from the district. He said that it was a value judgement there, where it was better to add. He asked if it was considered that there be any discounts or incentives for fees related to affordable housing.

Ms. McCulley said that that was an important question that was on everyone's minds. She said that as they talked with Ms. Jodie Filardo, they discussed that it was something for the future toolkit for affordable housing work, and they had not gotten to the point where they were ready to recommend developers incentives. She said that while it was an important and worthwhile undertaking, they did not feel it could be undertaken with this work right now.

Mr. Missel said that he understood there was a workshop occurring tomorrow at North Fork about developer incentives.

Ms. McCulley said that it would clearly need to be a Board-driven policy decision, which they would bring up at the work session next month. She said that as they went through this work and looked at the fact that they were charging to both establish or add to a district, which was something they wanted to encourage. She said that the Berkley Group had suggested that they drop the fees for what they were trying to promote, and they agreed that it would be a good idea to pose to the Board.

Mr. Darren Coffey, representing the Berkley Group, stated that the comprehensive plan stated that they were trying to preserve the rural character of the County, and there was not a massive exodus of AFDs. He said that with all of these fees, they were trying to remove the barriers, whether they were intended or otherwise. He said that with the categories, it was an important part of this project, and it was stated to be a best practice but he believed that they had created a model that they had not seen anywhere else. He said that they began with four categories and ended up with four.

Mr. Coffey said that there were a few houses that were greater than 10,000 square feet, but not many. He said that the reason they ended up with six categories was because they were trying to figure out how to not overburden in any one category and to achieve revenue neutrality. He said that then they had to figure out what that fee looked like once it was rounded. He said that CDD staff spent a very long time fighting with the system to extract the data to do that, and did an excellent job.

Mr. Coffey said that it appeared very simple, but that simplicity was very complex and was not easy. He said that it was all data-driven, and with those six categories, where they lowered barriers to housing was in the category of below 2,500 square feet and below 1,500 square feet, so those fees were less than they were initially. He said that where the bulk of housing was, which was 2,500 and up, they mitigated that as well.

Mr. Missel asked if there was a plan to benchmark where the revenue versus expense balance was, and if that resulted in increased fees down the line, or if they were comfortable where they were now.

Mr. Shifflett said that was something that did not need to be done, and they had not planned that yet, but probably would be another iteration of fee study.

Ms. McCulley added that there would be changes coming down the pipe that would make them more efficient and reduce process, therefore reducing the cost of service, such as the CDS system and the zoning modernization. She said that it did not make sense to do it now and then redo it after the implementation of those projects.

Mr. Missel said that it was referred to under building inspections proposing that there would be a new fee for unique inspections, and that was tied to the fact that bridges and other structures would take a longer time than something else, therefore there had to be a fee. He said that did impact dollar amounts, and he was curious if that would impact in the future.

Mr. Missel said that the reason he had asked about the agricultural forestal district and affordable housing was because it was stated that they wanted to preserve the rural character of Albemarle County, so that translated to an agricultural and forestal district approach, but they also wanted to enhance affordable housing, and that did not seem to translate into the fee categories for residential, so it seemed like a disconnect. He said that however, he understood Ms. McCulley's point.

Mr. Carrazana stated that based on the comparative analysis, they were significantly outside of the norm in the number of fees. He said that it was a huge improvement in that they cut it in half, but they were still on the high end, so he was wondering if there were opportunities for next steps. He asked if in the next iteration this could continue to move in the right direction of simplifying.

Mr. Shifflett said yes, and this was just the start of continuing improvement along with the community development system implementation, which hopefully would drive additional process improvement, so they could see additional reduction in the number of fees and fee categories.

Mr. Carrazana asked what other communities were doing to get down to numbers like 63 fees in Hanover County or 93 fees in Henrico County.

Mr. Coffey said that while these communities had a lot of commonalities, there were few commonalities in terms of fee categories. He said that they had to suss out what was going on and what was not going on. He said that some of these localities were not as sophisticated enough, and in others had a massive amount of unnecessary complexity. He said that the trick with Albemarle was consolidating without losing anything, so they felt that they had done all they could do on this iteration, but this also set the foundation so the next iteration of this exercise would not be nearly as difficult.

Mr. Coffey said that there was so much going on with the amount of fees that they had to decide how to simplify it without losing nuance by using their best value judgements. He said that once this was adopted, he could confidently say that Albemarle County would have the best fee schedule that he had seen in his professional experience of working with land use and community development departments for over 20 years.

Mr. Carrazana asked to see the pie charts from the presentation. He said that he was trying to figure out what the pie charts represented.

Mr. Musso said that the pie charts were a visual representation of the numbers from the comparative analysis, with the different slices of the pie showing which locality had the numbers of fees in that section. He said that it was based off of the chart in the previous slide.

Mr. Carrazana asked if all the building fees of all the counties added up to the whole pie.

Mr. Musso said that was correct.

Mr. Carrazana asked what Albemarle County ranked for the building fee category.

Mr. Musso said that it was third in building fees as far as the count of fee categories in building, based on the benchmark localities.

Mr. Murray asked if this would be revenue neutral for each of those categories or would be revenue neutral in terms of the whole budget. He said for example, would the anticipated revenue for the WPO fees stay the same or overall would the budget be revenue neutral. He asked how that might affect departmental funding for various programs.

Mr. Musso said that he would not speak for Mr. Shifflett, but yes, everything should maintain neutrality across the board in an ideal world. He said that it was encouraged that they reevaluate at a year after adoption to make sure that stayed true and was doing what it was supposed to be doing, but that was the intent going forward.

Mr. Coffey said that there was no social engineering going on, meaning that they did not lessen some in building for more in zoning, and they tried to keep it flat and consolidate in each of those subcategories as a whole.

Mr. Carrazana asked if the chart was based on current data.

Mr. Musso said that was correct. He said that the proposed categories were not in that chart.

Mr. Carrazana asked if they had a visual representation of what the proposed would look like.

Mr. Musso asked if Mr. Carrazana was asking for a ranking of how Albemarle County's proposed fees compared to the other localities.

Mr. Carrazana said yes.

Mr. Musso said that that was located in their report on page 13, but was not in a chart form. He said that in total, Albemarle fell from being first to fifth for all development fees in terms of rankings.

Mr. Bivins said that it should be labeled so the Supervisors could easily see that information. He said that it would be helpful to have the state of things today versus the proposed changes. He said that he believed that there should be fewer than six categories proposed. He said that they were trying to make this a community with a diversity of housing types, but they were seeing from real estate people that the average house being built today was 3,000 square feet, pitched as a \$500,000 house. He said that when they talked to the Supervisors, the Supervisors would ask what the barrier to entry was.

Mr. Bivins said that there should be a different type of examination of who got to put their land into agricultural and forestal land, and that should be a decision made by the County because the County was making an implicit decision on its revenues when they allowed someone to opt into that without consideration by the County. He said that he had an issue with people being able to put themselves into a lower tax bracket because they had a certain amount of land.

Mr. Bivins said that he would also like to see them do something about land trusts, which were indicators and signal by the County that they were trying to create a parcel of land that would be forever affordable. He said that that may come up as part of the comprehensive plan discussions, but he was trying to say that fees pushed business responses, and if this was something they

were gathering themselves to do, they should be intentional, broad, and diverse in how they did that. He asked if he built a house at 3,500 square feet and paid \$2,000 but took an existing 3,500 square foot house and added another 3,000 feet onto it, would they be charged at all.

Mr. Musso said that it would be based on what it was today, meaning that they would only be charged on what they were building.

Mr. Bivins asked if they would be charged for the 3,000 square feet even though they were creating a 7,500 square foot house.

Mr. Musso said that it did not matter if they paid for 3,000 at one point and 3,000 at another point, because they would be covering that fee over the long haul.

Mr. Bivins said that it puzzled him that people could get a free ride to a larger house by performing renovations such as this.

Ms. Firehock asked if they would have already paid the fee the first time for the first 3,000 square feet.

Mr. Bivins said that it would have been built into their purchase price. He said that a lot of people bought smaller houses and renovated them with significant additions added.

Ms. Firehock said that someone built that house and paid some fee for the first 3,000 square feet, and then someone else came along and paid for the next renovation. She clarified that the fee was paid at some point.

Mr. Bivins said that was correct. He said that the Commonwealth of Virginia was one of few places that had a distinction between the ways that cities and counties operated. He said that he appreciated that the benchmark cities were all in Virginia, but he would like to see a broader look at the kind of cities they were looking at. He said that there were specific factors related to quality of life that drew people to the Charlottesville area, and he would like to see what that looked like in places such as Ann Arbor, Boulder, or Ithaca. He said that he would like to see places similar to this community and how people came back to it, as opposed to Hanover, which did not have a similar economy to Charlottesville.

Mr. Bivins said that people were very liberal in the places they went to build houses, so he wanted to have a sense of what they competed with. He said that he wondered if the markets compared to Albemarle were actually competing. He said that while Hanover County may not compare well to Albemarle because it was a rural trucking community, James City County was more applicable because of the way Williamsburg was developing. He said that as they refined this, he would like them to look at communities that competed on a profile basis, because while some of them were in Virginia, they did not compete with Albemarle.

Mr. Coffey said that he was in charge of that aspect of the project, and he looked nationwide at communities all around the country for best practices, including large and small communities, so the best practices on the slide were derived from his experiences with good land use planning practices. He said that no localities in Virginia cared what another community in Colorado or California was doing, and the question asked was what other Virginia localities similar to them were doing.

Mr. Coffey said that for the critical analysis of fee categories, while there were other Commonwealths in the country, Virginia was the only one that had independent cities. He said that it had to be an apples-to-apples comparison, which could not be achieved with a category comparison outside of Virginia, but best practices could be compared nationwide.

Mr. Bivins said that when they looked at the individuals relocating to their County, they were making national and international decisions, and when they had people building more refined buildings, they were making decisions to build there instead of in the northeast. He said that even if it were a footnote for them to look at places across the nation, it would help himself to be able to articulate to his Supervisor that it was not just that selection of counties, because some of them were not comparable to Albemarle County in terms of housing stock and income profiles. He recommended that as they prepared this for the Supervisors that they have some note of looking nationally for best practices and focus on the data that came from the Commonwealth.

Mr. Musso said that it would be impossible to find anywhere like Albemarle to come up with a comparison to. He said that he grew up in the Finger Lakes in New York, and Ithaca did have a lot of the same values, however, he knew that he could currently buy a house in Ithaca right now and certainly could not buy one in Albemarle County. He said that it was difficult to find an exact match, and they had some of the best comparisons in the state for similar development, growth patterns, and what the counties may look like in the future. He said that they did not want to only focus on what Albemarle was now, but where Albemarle was headed, and to look at a benchmark locality that idealized the development patterns they wanted to try and achieve.

Mr. Bivins suggested that that be amplified that in their introduction. He said that what Mr. Musso just explained clarified a lot of his confusion regarding the data sources.

Mr. Carrazana said that there were quantitative versus qualitative benchmarks. He said that the information could potentially be presented in two slides rather than one. He said that the best practices was not representative of everything being displayed.

Mr. Clayborne asked if a renovation of a house without adding onto it would require no building fee.

Mr. Coffey said that they did not change renovation fees.

Ms. McCulley said that was correct. She stated that they did not change fees for alterations. She said that if it were a complete tear-down and rebuild, they probably would charge for a new single-family building.

Mr. Clayborne clarified that he was referring to renovations within the shell.

Mr. Coffey said that those fees were not recommended to change.

Ms. McCulley said that was correct.

Mr. Clayborne asked for confirmation that it would not be free.

Mr. Coffey said no, there was nothing that would be free. He said that it would not be within the 2% rate. He said that the new CDS system would allow them to do data analysis in a much easier way than staff was currently able to. He said that once they had that system in place in 2024 and

then get to 2026, looking at that data would allow them to analyze whether they could consolidate the six categories into four.

Mr. Coffey said that due to the nuances, in order to do it better and help cater to the residential housing market, simplifying it and doing it in a way that was fair and lowered barriers to entry for smaller houses was what they were trying to achieve. He said that while it was not perfect, it was more perfect than it was and would lay a better foundation for a much easier process to make it more fine-tuned in the future.

Mr. Clayborne said that it was appropriate for the fee schedule to be structured on home size. He asked if it took into consideration the complexity of spaces and materials, such as a geothermal system.

Mr. Musso said that there were building fees that were based off of the price of the actual house itself. He said that they opted to go in for this simpler approach because it could get more complex with all of the current fee equations that made for a lot of work for staff and not a lot of transparency for developers. He said that the objective was to streamline and remove barriers, so they opted not to go for that approach.

Mr. Clayborne said that they knew that climate action was vital in their comprehensive planning, along with everything else they were working towards, so more complex systems were somewhat ignored. He asked staff if their fees took into consideration the continuous training and upscaling of inspectors as more complex systems were seen.

Ms. McCulley said that Mr. Clayborne was tuned in to a very important issue. She said that a lot of the training for building inspectors was free through the state surcharge, so they did not pay a penny for it, but as far as new energy code and other developments, they were increasing demands on any building inspector for training and certification to meet today's needs with the building construction. She said that it was difficult to hire them and they were trying to find ways to hire them, keep them, and keep them trained. She said that she was unsure of a clear answer, and she did not know if there was another practice in other localities that Mr. Coffey had seen that worked.

Mr. Coffey said that in the comparative analysis, the least amount of reduction by category was in building, which went from 78 to 58. He stated that the reason for this was because there were so many different specialty fees and other fees that were complex, and they did not attempt to alter those other than rounding the digits to the nearest zero or five. He said that those parts were not easily collapsed, and perhaps they could be upon further examination, but he was not a building inspector so he could not confirm this.

Mr. Coffey said that those categories were preserved, so if there was a fancy house with a lot of different upgrades and inspections, they had to pay for each of those inspections above and beyond the six categories, which were the base fee. He said that for example, it included two inspections, and past those two inspections, they were paying per inspection. He stated that the Board of Supervisors in its previous work authorized adjustments to the fees to help cover costs due to things such as salary adjustments, and he would say that training costs should play a part in that as well.

Mr. Coffey stated that Albemarle County's Community Development Department did not recover a lot of their expenses based on the fees, and it was lower than what he had experienced in the

industry. He said that with a new system in place, a new fee schedule, and allowing things to settle out for a bit would better allow for them to understand how to do a better job of revenue recovery. He said that becoming more efficient and effective was part of it, but then there was the question of if the costs should be paid by the taxpayer or the applicant.

Mr. Murray said that in the water protection fees, it appeared there was a fee that was rolled into the overall fee for Virginia Stormwater Management Program for review of mitigation plan pertaining to land-disturbing activity in a stream buffer. He said that he was curious as to why that was rolled up into a general fee when it was something they were trying to discourage, but construction record drawings review was not. He said that it would make more sense to take the general thing that everyone had to do and roll that into the fee, but take the thing that they were trying to discourage and put that as a separate fee.

Mr. Musso said that the most recent draft of the analysis had been seen by staff and revised by the County Engineer who dealt with stormwater management. He stated that that revision was based on that person's recommendation, but he could look into why the recommendation was made and could have that question answered.

Mr. Coffey said that the County Engineer was asked to participate so that they could simplify it as much as made sense, but not to oversimplify it so that it interfered with the work of the Engineer. He said that they could look into it more, but it was at the recommendation of the professional with the County and not with the consultant.

Ms. McCulley said that this was a case where under Virginia State Erosion and Sediment Control, there was a \$170 fee for review of a mitigation plan, and under the Virginia Stormwater Management Program, there was a \$170 fee for review of a mitigation plan, so they combined them into one fee category because they did not need two separate categories for the same fee.

Mr. Murray said that was correct. He said that he saw other VSMP items that were not rolled into a single fee, for example the construction record drawings review, which was something that always would have to be done, whereas the review of a mitigation plan pertaining to land disturbance activity within a stream buffer was rolled in. He said that it seemed like out of those two, if he were to find something that he would roll up, it would be the first one and not the second one.

Mr. Frank Polk, County Engineer, stated that he did not have the information with him, but from his recollection, there was not an as-built fee for VSECP, only for VSMP.

Mr. Murray said that the report stated that it was VSMP.

Mr. Polk asked for more clarification.

Mr. Murray said that it was the last page of Attachment B.

Ms. McCulley asked for the page number.

Mr. Murray said that it was page 15.

Mr. Polk said that they could look at it, but he agreed with Ms. McCulley that for both VSECP and VSMP that the fee was the same, so if there was a mitigation plan, it was just for the mitigation

plan, which was a general fee, which was not specific to a VSECP or VSMP. He said that he could look at it more detail and make any corrections before bringing it to the Board.

Mr. Murray said that the third item from the bottom on page 15 was that the review of the mitigation plan pertaining to land-disturbing activity in a stream buffer had a fee of \$170 proposed to be rolled into the general review, whereas construction record drawings review was not. He said that it seemed more like they should roll up the first one into the general fee, whereas the thing they were trying to discourage, which was activity within a stream buffer, should be kept as a separate fee.

Mr. Polk stated that he did not see this as encouraging or discouraging any specific activity, so they could look at that.

Ms. McCulley said that they were trying to reduce the number of separate categories, so where they had the same fee in different categories, they consolidated it.

Mr. Murray said that in that case it was a different activity, and he did not see a duplicate of that on the other side.

Ms. McCulley asked if Mr. Murray was referring to a duplicate of the construction record drawings review.

Mr. Murray said that he was referring to a duplication of land-disturbing activities in a stream buffer. He said that he did not see where it was a duplicate fee being combined into one item, but saw that it was rolled into the general fee.

Ms. McCulley asked if Mr. Murray was talking about the crossed-out line that was review of a mitigation plan under VSMP.

Mr. Murray said yes.

Ms. McCulley said that it was referenced two pages before that. She asked if Mr. Murray could see the column in question.

Mr. Murray said yes.

Mr. Missel said that there was the proposed unified fee schedule and the fee schedule crosswalk. He said that it was difficult to pick out what stayed and what left. He said that when he saw that there was a special use permit fee for each submittal after the first for \$500, and he did not see that in the fee schedule crosswalk. He said that he did not see the special use permit resubmittal or the signage ARB resubmittal, but he could have missed them. He said that thinking as a hypothetical applicant, the resubmittal did not always result because the applicant failed to complete the first application, and sometimes this happened for reasons outside of their control. He said that then, applicants may be paying for a resubmittal that may or may not result in changes to that plan.

Ms. McCulley said that she appreciated Mr. Missel's point. She said that they had struggled with the unified schedule and the crosswalk to make it clear to follow, and it still was not easy to follow. She said that they would keep looking at that. She said that those resubmittal fees existed now,

and staff used good common sense on how to apply them, which she trusted them to continue to do in the future.

Mr. Missel said that it appeared somewhat subjective, but if there was a way to highlight those in the proposed unified fee schedule that made it clear that they were different, it may be helpful.

Mr. Bivins said that regarding incentives for affordable housing, they had seen projects before the Planning Commission that did not use the density needed in the development area. He said that when looking at the package of fees, they should incentivize someone to build to density and to stay within the development area with various fee packages. He said that this would encourage developers to use the piece of property that they were bringing before the Planning Commission in a way that helped them with fees and with density that the County had set for the piece of property.

Mr. Clayborne said that this project was an iterative process, so each time it came before the Planning Commission, it would get better.

Mr. Musso said that for this project, they would have public hearings before the Planning Commission in the fall and then present to the Board of Supervisors during the winter.

Public Hearing

a. ZMA202300003 Maple Grove Church – Residential

Mr. Syd Shoaf, Senior Planner in the Planning Division of Community Development stated that this was a proposed rezoning of a 0.32-acre lot from R-1 Residential to R-4 Residential. He stated that the subject property on the rezoning application was located north of the City of Charlottesville near the Albemarle-Charlottesville Airport, located off of Proffitt Road east of US 29 North. He said that there were three addresses associated with this parcel, which were 3208, 3210, and 3212 Proffitt Road.

Mr. Shoaf stated that the tax map parcel was 32-29D, and the entire property was approximately 6.68 acres. He said that the property contained an existing one-story single-family dwelling units and an existing 18,000 square foot church that was used by Maple Grove Christian Church. He said that additionally, there were two playgrounds, a basketball court, a youth center, and parking areas. He said that the specific area being discussed was highlighted on the slide in red, and was located at 3208 Proffitt Road and was 0.32 acres.

Mr. Shoaf stated that the property was zoned R-1 Residential and, as indicated on the slide, was identified by the green color on the map. He said that the majority of the surrounding properties were single-family residential uses. He said that to the west was Lighthouse Christian Church and Preschool, Bright Beginnings Preschool, and a variety of commercial uses along 29 North. He said that to the east was mostly residential, with some rural area uses to the northeast. He said that the applicant's request was to rezone the highlighted red area of 0.32 acres from R-1 Residential to R-4 Residential.

Mr. Shoaf stated that the applicant was requesting this rezoning in order to allow a creation of a new 0.32-acre lot, which would contain the existing single-family dwelling unit, the church building, the parking areas, basketball court, and youth center would remain outside of the proposed rezoning area and on a zoned parcel. He said that the minimum lot size for conventional

development in the R-1 zoning district was 45,000 square feet, so rezoning to a higher density zoning district was necessary to allow creation of the proposed residential lot.

Mr. Shoaf said that the minimum lot size for conventional development in the R-4 zoning district was 10,890 square feet, and given the proposed lot size of 13,932 square feet, only one dwelling unit would be permitted on this proposed lot. He said that the illustration on the slide showed a proposed subdivision plat if the zoning were to be approved, and the subdivision would be reviewed by staff to ensure that it followed all of Albemarle County's zoning regulations.

Mr. Shoaf said that regarding the comprehensive plan, this subject property was located in the Hollymead community in the Places 29 Master Plan, and the future land use designation was Urban Density Residential, which called for residential uses at a density of 6.01 to 34 units per acre. He said that although the proposed rezoning suggested density of one dwelling unit per acre, staff believed this was appropriate given the density of the surrounding area.

Mr. Shoaf that staff found two favorable factors, which was that this request would have no impacts on neighboring properties, public facilities, and services, and the request was consistent with the County's Growth Management Policy and the recommendations in the Places 29 Master Plan. He said that staff found no unfavorable factors. He said that staff recommended approval of zoning map amendment ZMA202300003 Maple Grove Church Residential Rezoning.

Mr. Bivins asked if this application were approved by the Board of Supervisors, the redevelopment would have the ability to put four dwelling units on the property.

Ms. Ragsdale stated that in the report it was noted that based on the lot size, there would only be one dwelling unit permitted.

Mr. Bivins asked if that was true if it was in an R-4 district.

Ms. Ragsdale said yes.

Mr. Carrazana asked if the highlighted area was 0.32 acres.

Mr. Shoaf said that was correct, it was 0.32 acres.

Mr. Carrazana asked if there was 0.13 acres was mentioned for the new development.

Mr. Shoaf said no, they were requesting to rezone 0.32 acres of the subject parcel, then they would submit a subdivision application if the rezoning were to be approved, which would be the 0.32 acres to have one dwelling unit constructed on it. He said that there was an existing dwelling unit there.

Mr. Carrazana asked if the minimum for R-4 would be 0.1.

Mr. Shoaf said that the minimum lot size for conventional development in the R-4 zoning district was 10,890 square feet, and for the R-1 zoning district, it was 45,000 square feet. He said that the parcel proposed to be rezoned was 13,932 square feet.

Ms. Firehock asked if this house was leftover because it was the minister's house for the church or something, so they were not using it as the rectory.

Mr. Shoaf said that the applicant was present to provide a presentation. He said that there was an existing parsonage on that property right now.

Ms. Firehock asked if they were disposing of a piece of real estate that they did not need and possibly provide funding for the church.

Mr. Jeffrey Ange said that was correct. He said that what they would anticipate seeing was an evaluation of their facilities, just as any business or government would do. He said that it was not a priority to maintain that facility, but they believed it would be a good residence for the community, so it was a reallocation of resources, which matched with their mission. He said that they were recently approved for a daycare special use permit, so the parsonage did not fit into that plan.

Mr. Clayborne opened the public hearing.

Mr. Ange said that they hoped to present a quality application for a zoning map amendment, and appreciated the committee's help from the very beginning. He said that they received a lot of good advice from the preapplication stage, as well as with their daycare center application. He said that the goal of their collaborative work was to create a quality solution. He said that they addressed early that they should look at setbacks, public walks, and things that would properly accommodate the residents, but also the playgrounds and adjacent housing, which was where the recommendation to go to R-4 zoning came about. He said that squeezing in a larger lot would crowd the lot on top of everything else.

Mr. Bivins said that lack of affordable housing could be a barrier to new ministers coming into the church.

Mr. Ange said that that had been a consideration. He said that it had been the history of their usage, and was time to change gears.

Mr. Clayborne asked if there were any public speakers. Seeing none, he closed the public hearing and the matter was before the Planning Commission.

Mr. Bivins noted that the applicant would have to manage the entrance on Proffitt Road, which had traffic concerns due to the multiple developments along the road.

Mr. Missel moved that the Planning Commission recommend approval of ZMA202300003 Maple Grove Church – Residential for the reasons stated in the staff report. Mr. Carrazana seconded the motion, which carried unanimously (5-0). Mr. Moore was absent from the vote.

Committee Reports

Mr. Murray announced that there would be a Crozet CAC meeting on July 12, 2023, at 6 p.m. for an update on the AC44 project.

Ms. Firehock said that she had also signed up to attend the meeting. She said that the Historic Preservation Committee did not have a quorum, so they did not meet. She said that she looked forward to their next meeting, because they were in the midst of developing criteria for how to nominate more County-specific markers for underrecognized communities.

Mr. Bivins said that there were different types of historical markers at places such as the Ivy Creek Natural Area.

Ms. Firehock said yes, those were distinct from the older state markers. She said that they could write them.

Mr. Bivins said that they could.

Ms. Firehock said that they would have to wait until the next Historic Preservation Committee meeting.

Mr. Bivins said that he saw a quote from one of Mr. Carrazana's colleagues at the MPO Tech that the roundabout at District Avenue had been accepted as a Smart Scale project. He asked if that had been heard at the last MPO Tech meeting.

Mr. Carrazana said that he did not recall seeing the Smart Scale projects.

Mr. Kevin McDermott, Interim Planning Director stated that the Commonwealth Transportation Board reviewed the submitted projects and decided to change the award from the staff-recommended scenario. He said that Albemarle County had three projects recommended for Smart Scale funding, which were the intersection improvements at Belvidere and Rio, pedestrian and bike improvements on Avon between the City and the County, including a new pedestrian bridge, and the third was improvements at Peter Jefferson Parkway on Route 250, which would have included a park-and-ride lot. He said that when the CTB reviewed that, they decided to pull the third project and move that money over to District Avenue and fund the roundabout, which was indicated in the final Commonwealth Transportation Board funding scenario.

Mr. Carrazana said that that happened after the last MPO meeting, because the three projects Mr. McDermott mentioned were what they had reviewed.

Mr. McDermott said that those were the initial submissions, and he did not have confirmation until Mr. Bivins said it, but he knew that the CTB was going to recommend that change. He said that due to the existing projects at Hydraulic and 29, they thought it was more effective to do that roundabout at District Avenue in concert with those other projects.

Mr. Clayborne asked if the other projects had been accepted by Smart Scale.

Mr. McDermott said that it was his understanding that those had been awarded funding.

Mr. Clayborne asked if it was over a ten-year period.

Mr. McDermott said that it depended. He said that it was four years before the funding started, and once the funding began, it would go through phases which could last about three years, so it would likely be about seven years.

Old Business/New Business

a. AC44 Update

Mr. McDermott stated that there had not been much that happened since the last update he gave. He said that they were preparing for the meeting mentioned by Mr. Murray, which would be an

online public virtual meeting, and he encouraged all of them to listen in for information. He said that that would be their final public engagement effort for this part two of phase two, where they were going over growth management and planning toolkits.

Mr. McDermott said that they would be coming back to the Planning Commission for two meetings, including at their next meeting in July, where there would be a small update on the process and timeline going forward, and then they would be back at the August 8 meeting with a full update on all of their planning toolkit. He said that there was a full meeting and nothing else on the agenda for that night, so they would take a few hours to go over that with the consultants and have an in-depth work session with the Planning Commission.

Ms. Firehock asked if the August 8 meeting began at 6:00 p.m.

Mr. Clayborne asked if the calendar invite could be updated to reflect the 6:00 p.m. start time, as it still stated the meeting would begin at 4:00 p.m.

Mr. Carrazana asked if his calendar could be aligned with the new schedule.

Items for follow-up

Mr. Bivins said that in their ordinances, there was nothing that stated that there were viewsheds of any particular houses that had to be protected. He said that if that were an accurate statement, he would request that there be some consideration that when they looked at viewsheds, when it was said the Monticello viewshed was not impacted, because there was no Monticello viewshed in their ordinance. He said that it was a suggestion that developers spoke to Monticello and discussed with Monticello, but there was no way that Monticello could enforce a project to not be built if they could see it from the hill. He said that because it was not in their ordinances, he would like to have it struck from the staff report, because it gave the impression that there was some oversight from that hill.

Mr. McDermott said that staff would look into that and return with information.

Ms. Firehock said that it probably required more discussion.

Adjournment

At 7:34 p.m., the Commission adjourned to July 25, 2023.



Kevin McDermott, Director of Planning

(Recorded by Alberic Karina-Plun, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 08/08/2023
Initials: CSS