Albemarle County Planning Commission
August 19, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 19, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; Bill Edgerton; William Rieley, Chairman; Tracey Hopper, Vice-Chairperson; William Finley; Pete Craddock; Bill Edgerton and Jared Loewenstein.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development, Juandiego Wade, Transportation Planner and Greg Kamptner, Assistant County Attorney.

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.

Review of Board of Supervisors Meeting – August 6, 2003 & August 13, 2003

Mr. Cilimberg summarized the actions of the Board of Supervisors on August 6, 2003 and August 13, 2003.

Consent Agenda

SDP-1998-137- 2222 Old Ivy Office Building Final Site Plan Extension of Approval – Request, pursuant to Section 32.4.3.8(b), to allow for an extension on the time of the validity of a final site plan. (Tax Map 60, Parcel 46B) (Francis MacCall)

Mr. Rieley asked if any Commissioner would like to pull the item off the consent agenda for further discussion. There being none, he asked if there was a motion.

Ms. Hopper moved to approve the consent agenda as presented.

Mr. Loewenstein seconded the motion.

The motion carried unanimously (7:0).

Item Requesting Deferral:

ZMA-03-03 Eckerd Drug Store (Sign #73) – Request to rezone 1.79 acres from R-15 Urban Density to C-1 Commercial to allow a drug store with a drive through window. The property, described as Tax Map 78 Parcels 12, 12B and 55A4 is located in the Rivanna Magisterial District on Rt. 250E (Richmond Road), at the northeast intersection of Route 250 East and Rolkin Road. The Comprehensive Plan designates this property as Urban Density Residential, recommended for 6-34 units per acre in the Pantops Neighborhood (N3).
AND
SP-03-47 Eckerd Drug Store (Sign #73) - Request for special use permit to allow a drive-thru retail use in accordance with Section 22.2.2.10 of the Zoning Ordinance which allows for drive in windows serving or associated with permitted uses. (Tarpley Gillespie) ***APPLICANT REQUEST DEFERRAL TO SEPTEMBER 16, 2003.***

Mr. Rieley opened the public hearing and asked if anybody would like to address either of these

two items relative to Eckerd Drug Store. There being none, the issues were brought back before the Commission for possible action.

Mr. Thomas moved to accept the applicant's request for deferral of ZMA-03-03 and SP-03-47, Eckerd Drug Store to September 16, 2003.

Mr. Edgerton seconded the motion.

The motion carried unanimously (7:0).

Mr. Rieley stated that SP-03-47 and ZMA-03-03 were deferred to September 16, 2003.

Public Hearing Items:

SP-03-048 Randy E. Fox-Home Occupation Class B (Sign #2) - Request for special use permit to allow a Home Occupation Class B for a small machine shop that repairs heads off engines in accordance with Chapter 18 Section 13.2.2.9 of the Zoning Ordinance which allows for home occupations. The property, described as Tax Map 90 Parcel 31, contains 5.170 acres, and is zoned R-1, Residential. The property is located on Rt. 742 (at 1968 Avon Street Extended), approximately 100 yards from the intersection of Rt. 20, in the Scottsville Magisterial District. The Comprehensive Plan designates this property as Neighborhood Density in Neighborhood 4. (Juandiego Wade)

Mr. Wade summarized the staff report as follows:

This is a request for a Home Occupation, Class B for a small engine repair shop. The Home Occupation is located in the existing garage at 1968 Avon Street Extended. The applicant proposes to pick up and deliver engine parts. Therefore, staff is not anticipating any customers to travel to the site. The applicant is not requesting any additional employees. The size of the garage is slightly larger than 25 percent and the applicant is requesting a waiver for the size of the accessory structure. Staff is supporting these requests.

The area is primarily single family detached residential and is zoned residential.

Staff has identified the following factors favorable to this application:

- The home occupation will take place in an existing garage.
- The applicant will pick up and deliver repaired parts. Therefore, no customers will be coming to the site.
- There will no additional employees commuting to the site.

Staff has reviewed the request for compliance with the provisions of the Zoning Ordinance and recommends approval with conditions. In addition, staff recommends approval for the size of the accessory structure.

Mr. Rieley asked if there were any questions for Mr. Wade.

Mr. Loewenstein stated that in the staff report staff said that the proposed conditions address the neighbor's concern. He stated that he wondered about the possibility of considering some sort of condition which prohibits the keeping of a certain number of vehicles being serviced in that location, which was one of the things that was mentioned in the letter from the neighbor. He pointed out that no disabled vehicles or vehicles not owned by Mr. Fox shall be parked on the property. He asked if in some cases those vehicles would be there. The other question has to do with whether or not there needs to be any sort of mentioning of the requirements of the noise ordinance. He asked if that would be applicable in this case.

Mr. Wade stated that staff could certainly look into having a condition for the number of vehicles that the applicant could have. He pointed out that it was something that after talking with the applicant about the situation, that staff felt that there would not be any vehicles coming there. He pointed out that there certainly might be an occasional case, although he plans to pick them up, that someone may come there. That is something that staff can address if the Planning Commission wishes. As far as the noise issue, he had talked to the applicant, and not understanding or hearing the type of equipment that he plans to use, he did not think that would be a concern. However, again if it were something that the Planning Commission was comfortable with that staff would address it.

Mr. Loewenstein stated that they would have to comply with that anyway. He pointed out that sometimes they make special mention of it. He pointed out that no where else in the report does the issue of noise come up. He stated that he was not trying to raise it here, but was just asking.

Mr. Wade stated that for a Home Occupation, Class B, the first thing that staff does is to go to site and look into those issues.

Mr. Finley asked why the applicant was required to submit a Certified Engineering Report.

Mr. Wade stated that whenever they have a home occupation that was dealing with using any type of cleaning or working with machines, staff requests to have this report on file. All of the cleaning materials that he will use will be water base and water solvable and would not be a concern. He pointed out that the only requirement that the Engineering Department had was to complete a Certified Engineering Report. Staff does not think that will be a concern, but just in case for the future, they would have that information on file.

Mr. Rieley stated that the staff report points out that there will not be any deliveries and the engines would actually be brought to the site. The applicant will pick them up and bring them to the site. He pointed out that was mentioned in the summary, but the conditions seem to address it in a somewhat different way relative to the number of vehicle trips per week in condition # 3. He asked if there was a reason not to be as specific as they were being in the summary.

Mr. Wade stated yes, and asked to clarify that it would not be the entire engine, but just the heads off the engine. He pointed out that was something that the applicant could pick up by himself. In talking with the applicant in trying to determine how many vehicle trips that they would have with the deliveries, he really did not think that he would have but a few a week. Therefore, they agreed upon 14 as the worst case scenario, but actually felt that it would be a lot less. The Zoning Department gave staff some information based on the Class A, Home Occupation. Staff tried to come up with a number that they felt would not create an impact on the adjacent property owners.

Mr. Thomas stated that this was just an idea since customers coming to the house created more traffic. On page 3 under d, it states that the applicant is not proposing to have customers travel to his home. He suggested that if it was that much of a problem that they should pin it down to say that the applicant shall not have customers travel to his home.

Mr. Loewenstein pointed out that when the issue of enforcement comes up that wording may be difficult to enforce.

Mr. Finley stated that in terms of trips if some one brings his part and drops it and then goes home is no different from him going to get something and bringing it back.

Mr. Rieley asked if there was anything else for Mr. Wade. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

Randy Fox, applicant, stated that he had nothing further to add.

Mr. Edgerton stated that he would like to ask the applicant some questions.

Mr. Rieley stated that first he would ask if anyone else would like to address this issue.

George Davies, an adjoining property owner, stated that he had 10 acres that adjourns this property. He stated that he did not know if he objected to this, but just had some questions. He stated that obviously this is a full time business if it operates from 8 a.m. to 4 p.m. He questioned if it would be a viable business if he only did five or six jobs a week. He asked if he would work on automobiles. He asked what type of small engines that the applicant would repair. He asked if a new building would be built for the new business.

Mr. Wade stated that Mr. Fox would use an existing garage that was in the middle of two smaller garages. He pointed out that Mr. Davies would use the larger garage in the middle. He stated that Mr. Davies would work on automobile engines. He pointed out that he believed that the business would be viable on such a small scale.

Mr. Davies stated that the reason that he asked that question was that a truck repair garage had been approved near where they lived in northern Albemarle which was conditioned that one of each of the trucks that they had could go in and out once a day. He noted that there was a constant amount of traffic coming in and out of the property because they were now repairing trucks for the Luck Stone Quarry. He pointed out that one neighbor had moved because of the noise.

Mr. Rieley stated that it they are exceeding the limits of the special use permit that is enforceable and should be brought to the attention of the Zoning Administrator.

Mr. Davies stated that business really did not bother him and he did not think that Mr. Fox's business would bother him unless there was a constant flow of traffic. He asked if they had some way to get rid of trash and unusable parts that are left over.

Mr. Rieley asked if anyone else would like to address this application.

Rob Spoils stated that he was the Fox's next door neighbor and his house was the closest to the garage that is being discussed. The Fox's have discussed their proposed plans with him and he would like to say that he had no objections to it. He noted that Mr. Fox had indicated that he would go out and pick up the heads and bring them back to the garage. He pointed out that there was no plumbing in the garage in terms of the concerns about wastewater, which would be a concern since his well is very close to his well site. Since Mr. Fox is suppose to be going out to pick up the parts, he would not anticipate that there would be any vehicles that would be parked there at the site. He stated that he had no objections.

Mr. Rieley asked if anyone else would like to address this application.

Mr. Edgerton stated that he would like to ask Mr. Fox a couple of questions.

Mr. Edgerton asked what the garage was being used for now.

Mr. Fox stated that it was just a personal home garage, which was not being used for anything at this time.

Mr. Edgerton stated that in his original application under what additional regulations would apply to this use, Mr. Fox wrote that the parts would be cleaned in a container in a water-soluble machine. He asked if he could elaborate on that.

Mr. Fox stated that it was a jet washer that was like a power washer that was enclosed. Once you shut the door, it has its own vat that holds the chemical and the water. Then Safety Clean comes and disposes of the water. He pointed out that nothing leaves that vat.

Mr. Rieley asked if he did the machining of the heads, and Mr. Fox stated that he did.

Mr. Wade stated that there was a question about the unusable parts and how you would get rid of those.

Mr. Fox stated that there were very little unused parts since it was all remanufactured.

Mr. Rieley closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Thomas stated that it was not a small machine repair shop, it is a small machine shop. He pointed out that it was the size of the shop and not the machine.

Mr. Rieley stated that he was supportive of this application. He pointed out that he has complained from time to time about Charlottesville not having enough machine shops. He stated that this seemed to be generally the right location for something like this. He pointed out that the fact that the business would be located in an existing building and it would have very little impact on the surroundings. The only concern that he had was the traffic coming and going and he accepted Mr. Wade's explanation.

Mr. Finley moved for approval of SP-03-048, Randy E. Fox-Home Occupation Class B, with the conditions recommended by staff.

1. There shall be no additional employees outside of family living at 1968 Avon Street Extended.

2. The applicant will be required to submit a Certified Engineers Report.

3. The applicant will revise the conceptual plan received by the Planning Department on July 15, 2003 to include a statement limiting the number of vehicle trips weekly to 14.

4. A standard entrance permit for a private road entrance shall be required. VDOT specifications for sight distance shall be required.

Mr. Thomas seconded the motion.

Mr. Kamptner suggested that condition # 2 be expanded a little bit so that it reads, "The applicant will be required to submit a Certified Engineers Report demonstrating compliance with the performance standards in Zoning Ordinance Section 4.14."

Mr. Finley and Mr. Thomas agreed to accept the amendment to condition # 2 as suggested by Mr. Kamptner.

1. There shall be no additional employees outside of family living at 1968 Avon Street Extended.

2. The applicant will be required to submit a Certified Engineers Report demonstrating compliance with the performance standards in the Zoning Ordinance Section 4.14.

3. The applicant will revise the conceptual plan received by the Planning Department on July 15, 2003 to include a statement limiting the number of vehicle trips weekly to 14.

4. A standard entrance permit for a private road entrance shall be required. VDOT specifications for sight distance shall be required.

The motion carried unanimously (7:0).

Mr. Rieley stated that the size of the garage is slightly larger than 25 percent and the applicant is requesting a waiver for the size of the accessory structure. He asked for a motion on the waiver.

Motion On Waiver:
Mr. Thomas moved for approval of the waiver on the size of the accessory structure.

Mr. Craddock seconded the motion.

The motion carried unanimously (7:0).

Mr. Rieley stated that SP-03-048 would go to the Board with a recommendation for approval and will be heard on September 10.

Work Session:

CPA 03-03, Affordable Housing Policy - Work session to discuss an amendment to the Comprehensive Plan to include the Affordable Housing Policy developed by the Albemarle County Housing Committee. (David Benish)

Mr. Cilimberg pointed out that Ron White, of the County's Housing Office, and Roxanne White, of the County Executive's Office, have been involved with the development of this policy. Ron White has been working on the development of the policy. The Housing Committee has spent some time with this and you can see what they have recommended as the basis for a Comprehensive Plan amendment for the County. One of the essential elements that they wanted to know in the policy was to establish the desired amount of affordable housing that should be provided in new development proposals. There is a strategy suggesting a minimum amount of 15 percent that has come out of the Housing Committee. The policy will provide guidance to staff in the review of development projects, particularly rezonings and special use permits. The Housing Committee is recommending that all developments, regardless of size, be subject to review under this strategy. In working out this type of policy under enabling legislation, the policy would basically become Comprehensive Plan language and become a basis for rezonings, and in particular that developers provide for that 15 percent if that in fact is the level that was established. Staff would be suggesting the percentage in the case of a site plan or subdivision because staff would not be able to require that. The full policy is proposed to be included in the Comp Plan as a separate, stand-alone section similar to our economic policy. Additional text amendments to the Land Use Plan section of the Comp Plan, including references to the overall policy and the general principles for the designated development areas in the Neighborhood Model's goal section are also included. One of the recommendations of the Neighborhood Model was to establish such a policy. He pointed out that Mr. White would probably want to add a few words. He asked Mr. White to come up and expand on the issues.

Ron White, Chief of the Housing Office, stated that Mr. Cilimberg had covered most of the basis. The essential element that he pointed out was setting a goal or a desire for indicating a percentage of affordable housing to be constructed. He pointed out that the Housing Committee has done a lot of work over the last 18 months putting this together. He pointed out that Peter Hallock, a member of the Housing Committee, was present tonight. The Housing Committee established a sub-committee to look at the policies. They reviewed policies from other areas of the state and other parts of the County that had affordable housing policies. In the 2002 General Assembly session, it was requested from the General Assembly the ability to have flexibility in developing housing policy and then potentially later on a housing ordinance to go along with the State's Policy. The existing enabling legislation was very onerous and put a lot of burden on local government to develop affordable housing ordinances and was highly prescriptive with the unanimous vote in the General Assembly. Albemarle County does have the ability now to be

more flexibility in designing affordable County ordinances more to meet our needs and the market in this area. He stated if they had any questions that he would be glad to respond to them. He recognized the hard work of the Housing Committee in helping draft this policy.

Mr. Rieley asked if there were any questions for Mr. White.

Mr. Thomas asked Mr. White to elaborate on that 15 percent and where it came from.

Mr. White stated that some people wanted 30 percent while others wanted 0 percent, and so they compromised. He stated that the committee looked at many policies, but the biggest policy was Montgomery County, Maryland. The 12 to 15 percent across the State looked like the figure that most people used. Obviously, the proposed policy has to go to public hearing and they will hear from developers and other interested parties. It is a matter of economics. He asked what they could get that would not kill the deal for a developer. He pointed out that was what it was going to boil down to in working with the Planning staff and with the developers. The Attorney General's opinion is that we cannot require it, but if we set a goal and the developers see that there is a market, then they can come up with some incentives to help promote affordable housing. Then that would give us a tool to use to work with developers on proffers or whatever. If somebody wanted to come in and say we want to do this, then this would be the roadmap for the way that it is done. He stated that a lot of the developers that they have talked to say the incentive is for government to get out of the way and let us build and then we will do affordable housing. He stated that it was not as simple as that and he did not think anybody here thought it was simple as that. He asked what they could do in the area of streamlining regulations and approvals or providing some monetary incentives, which may not be directly to the developer but it may be to the end purchaser. He pointed out that there were State and Federal funds available. There is a local commitment right now from the County of $50,000 in the Albemarle County initiative fund. If they could get a developer that they could work with, it would give them a chance to look at the resources that they could pull into and make the deal.

Mr. Thomas stated that he was sure that there were other Counties in the State that has looked at similar studies. They have talked about it for a number of years and he had never heard a good definition of affordable housing in Albemarle County. He asked if Loundon County or Spotslyvania County have this program.

Mr. White stated that Loundon County has a policy that is kind of a different animal. If you know what they have done over the past few years, their level of production has been much greater than what our level of production has been or will be probably. They are dealing with many national developers that come in with hundreds of units. Loundon's response to how have you done it is that they have let the developers know that it is the cost of doing business in Loundon County. However, they have also put up some money for downpayment assistance so that when the house is complete they can have a homebuyer ready to move in. He stated that they were looking at the same type of thing with the Homebuyer's Club. They operate at any given time with three Homebuyers' Clubs operating in the County with anywhere from 40 to 70 people or families representative of those clubs. If they know that a development is coming on line and they have people in the Homebuyer's Club that can fit into those, then they could potentially have the people ready when the house is complete. They could reduce some of the carrying cost for the builder and hopefully have a source of financing there for the homebuyer. He asked if this was home ownership or rental. He pointed out that the Housing Committee viewed the 15 percent in context with the Neighborhood Model and it was a variety of housing types. He stated that they were really looking at a mixture of home ownership and rental in this discussion.

Mr. Finley stated that he grew up here back in the hills, particularly up in the mountains. Down from the mountains the people lived in shacks and cabins and worked at the sawmills, in the mountains and on the farms. Nobody ever talked about the stigma of affordable housing and they were very happy to get what they had. But then Acme, Con Agra, Sperry, Comdial, Panorama and some of those wonderful industries came in and the people came out of those mountains and

became skilled workers, built their own homes, educated their children and now many of their children have moved on up and many of them have become professionals. But this program seems to dwell on subsidies, incentives, tax breaks and developers. He asked who was doing something to improve the job conditions where maybe some of the wages could be raised and has better jobs so that these people could be fully employed.

Mr. White stated that was the other part of the equation. They were dealing with supply and the demand and the economics of affordability has to come from new job creation or a different type of job creation or something. When they were working on the strategic plan, which was still being worked on, one of the issues that came up was that some people talked about the gap between the service workers, who are close to minimum income, and the professional. There may not be as many of those types of jobs around. He stated that he did not have the data to support it one way or the other, but that certainly was an issue.

Mr. Finley stated that all of these industries except Sperry are gone and no one has taken their place. He asked if the program at Ktech had been upgraded since that was where someone could receive some high tech type of training

Mr. White stated that he was not that familiar with everything that they have at Ktech at this time. He stated that Ktech does have some building trades, where you come in as a tradesman rather than a laborer and the wages are much better. He stated that his son was going to Ktech to learn to do body work as a hobby, but not as an income. He stated that Ktech was a source of education for people who are interested.

Mr. Thomas pointed out as far as economic development, the County is the only jurisdiction that does not belong to the Thomas Jefferson Partnership in the whole district.

Mr. Cilimberg stated that was going to be a subject of the discussion that the Board was going to have next month in their planning retreat. He stated that hopefully the subject would be broader than just the Thomas Jefferson Partnership, but is more about what the real policies are and what they were trying to achieve.

Mr. Edgerton stated that in the proposed policy, there is a pretty good background for the census data, but he was curious how the target of $175,000 came up as being affordable.

Mr. White stated that when you look at the definition of affordability, it was 30-percent of the household income, which was kind of across the board. The policy elaborates on focusing on those at or below 80 percent of the area median income. For a family of four in Albemarle County 80 percent of the area, median income was roughly $50,000. At current interest rates 6 percent give or take on a 30-year mortgage, a family of four could afford about a $175,000 mortgage.

Mr. Edgerton asked if in the statistics if it does not matter if there are two folks making the income or one.

Mr. White stated that to simplify it they use a family of four. The way the income levels work was that they are adjusted by family size. So a family of two, it would be slightly under $50,000 or maybe $48,000.

Mr. Edgerton asked if affordability was tied to family or do we know if it would work for single people.

Mr. White stated that he could give some examples. They talked a lot about schoolteachers. They talked to some of the school board members to see if they could do something for the schoolteachers and now they are discussing some options. A single schoolteacher would come in with a couple of years experience around $35,000 a year and then you would be down to a $135,000 mortgage. The trends show that in the last couple of years there were very few units

that were built under the $175,000 range. The ones that have were primarily townhouses. The assessment values also show that there is a good percentage of existing houses that would be considered affordable, but they are already owned and not on the market. It is the development of new homes that this policy addresses.

Mr. Edgerton stated that in the recommendations on page six, it establishes a first right of refusal for the purchase of affordable housing units for rent or sale by the County and/or its nonprofit partners. He asked if he could elaborate a little bit on how that might work.

Mr. White stated if money was used from the local government, public funding or through one of our nonprofit intermediaries (such as the Albemarle Housing Improvement or Piedmont Housing Alliance, etc.) to support the affordability of these houses, then there was a feeling from the Commission and staff that something be done to maintain the long term affordability on those. If this was not done, then what you end up doing was that the house would be affordable to the first person who moves in it, but then the appraised value of the house goes up and they sale it and make a windfall and it is no longer affordable. Therefore, staff wants the committee to the greatest extent possible to look at policies with the help of Mr. Kamptner and others from the County Attorney's Office, to see what could be put in place to try to make affordability a low longer term.

Mr. Edgerton urged them to check out Burlington Land Trust who have worked out a land lease program where the city actually owns the land and only the house is owned, but when it is sold only a portion of the appreciation goes to the homeowners

Mr. White stated that the tenant only gets 25 percent and then the city get 75 percent. He stated that he was familiar with that program. That is one of the policies that they were looking at with the Piedmont Housing Alliance to try to develop some kind of housing trust in this region. He stated that it would help generate income. He pointed out that none of the committee thinks that the 75 percent is fair for the government to keep, but there should be a shared equity. Just for your information, the in the Crozet Crossings project the County has a shared equity deed of trust on those. There are five houses that AHIP is getting ready to develop in Esmont as part of the Cordous Road Neighborhood Improvement Project and those have a shared equity deed of trust. Two of those loans have closed, and if those houses ever sale then we'll share in the equity.

Mr. Finley stated that where this problem fits is that a lot of elderly people have nonaffordable housing and they have a much lower income than what is required to qualify for affordable housing. Each year they are reassessed and taxes keep going up and yet they are on a fixed income. This is driving the elderly right out of their homes.

Mr. White stated that there are some discussion going on about that at this point. It is an issue that has come up. He pointed out that other localities have deferred property taxes for elderly and maybe that is the direction we should take. He pointed out that was out of his department.

Roxanne White, Assistant County Executive, stated that Albemarle County has a current program for tax relief for the elderly and the disabled. It is at the income limit right now of $25,000 of annual income and $80,000 in assets. There is a recommendation going back to the Board in September about changing their income guidelines. She stated that at this point she did not know what their recommendations were going to be, but she assumed that it would be a recommendation to raise those a bit. Therefore, it is being looked at as inflation goes up. The City has the same type of program because it is a state-enabled program.

Mr. Craddock asked if the 15 percent was for any size development. He asked if it was you shall or you may.

Mr. White stated that was the way that they wrote the policy and it was you may.

Mr. Kamptner stated that it becomes "shall" if the developer takes advantage of the bonus density incentive. But up until that point it would be a may and would be voluntary.

Mr. White stated that they left the size of the development open until we get the focus group. He stated that they expected after this work session that the Commission would want them to pull together a focus group. He pointed out that they did three focus groups last December when they drafted this. Then they did some work on it after they got input from those focus groups that included some developers. He stated that the next focus group could review the draft of the policy as it was currently written. He felt that a lot of comments would be received from the development community and then a public hearing would be held. He stated that he would expect that the final policy would have a minimum size development that this affects because economically there are some developments that it would probably not be reasonable. If the expectation is that developers are given this as the County's goal, does it make sense for somebody who is subdividing into six lots? It probably will not. But, if it was thirty lots it may. He stated that he did not know what those numbers were, but they need more input to narrow it down to the size of the development.

Ms. Hopper asked if he had made a reference to the Attorney General's opinion that they could not require these types of affordable housing facilities.

Mr. White stated that you cannot mandate that any development be subject to this, but if they provide incentives or density bonuses, then they could use the incentives as the carrot and then this would be the road map for getting there. It was voluntary, but once they agreed to it, then we could require it.

Mr. Cilimberg stated that where this was going to become operable in a lot of ways was in rezonings. They don't see rezonings for very small developments. More than likely, if it was a subdivision, then this policy could not be imposed other than to suggest it to the developer that we have an affordable housing policy. In a rezoning, if the policy was a Comprehensive Plan policy, then it was a question of how are you going to address that. It still is not mandatory to the extent that you have it in an ordinance. You will never under the current enabling legislation be able to do that in an ordinance in Virginia. He pointed out that they do it in Maryland and they have million dollar home subdivisions that have affordable housing. He pointed out that was the practical aspect, but getting it into policy is the first step in being able to use it in some different ways. He stated that this was not something that they could slap on every residential development. He stated that they do after tonight want to take this to another focused discussion and plan to do that before they come back to the Commission for public hearing. He stated that this might not be the final form of the policy, but it will be the form that they would take to the focused discussion unless there is something that the Commission would like to change.

Mr. Loewenstein stated that he was not talking about wordsmithing in every sentence, but just wanted them to look at it in the general direction.

Mr. Cilimberg asked for comments if something was missing or going in the wrong direction.

Mr. Rieley asked that they use the word "house" when they were talking about a structure. After people move in and they all love each other, then it is a home, but it was a house if they were talking about a building.

Mr. Thomas stated that this was a good start and it was moving things the way they had been trying to do for a long time.

Mr. Loewenstein agreed. He stated that he wished they could go farther with it, but it was a good foot in the door.

Mr. Edgerton stated that it was too aggressive.

Mr. Thomas stated that it was moving in the right direction.

Ms. Hopper stated that this was such an important tool in view of the rezonings that are in the pipeline. She asked if there was any way to speed up the process of taking it to public hearing since there have been focused groups already.

Mr. Cilimberg stated that would mean essentially going ahead and advertising for public hearing without benefit of any more input from the public focus groups. That is the only meaningful way that you could speed this thing up.

Mr. Edgerton disagreed because he felt that they need another focus group discussion.

Mr. White stated that they would leave it up to the Planning Commission, but pointed out that it might keep some of what you would hear in a public hearing out of the public hearing if they did another focus group. The fifteen-percent is going to generate a discussion and the size of the developments. He felt that they would get more information from the focus group. One thing that they could do short of another focus group was to send the document out as it exists now to everyone who participated in the focus groups last December and have them comment. He pointed out that they had a good cross section of developers, builders, non-profit representatives, representatives from the realtors, and representatives from mortgage lenders. He stated that there were probably 40 people present who went through a process of looking at a draft that included many of the things that are in there and responding to that draft and making further recommendations. He noted that they have not seen the policy in this format.

Mr. Loewenstein stated that he liked the suggestion of sending it out to the folks who have participated thus far. He stated that he would like to see another focus group because it would help resolve some of the issues before it gets to public hearing and make the public hearing easier. He asked that they allow the focus groups another chance to review this. He stated that he opposed slowing the process down, but felt that they could make some improvements from the focus group. He asked how much time they were talking about.

Mr. White stated that it would be as quickly as they could. He asked if anyone knew of anyone who would be a part of a focus group to please let the staff know. If they can get the information out to the people, his goal was looking at the third week of September to have a focus group. Then that would cause the public hearing to be set in October.

Mr. Thomas felt that it was premature to come too public hearing right now.

Ms. Hopper stated that she was very happy to see this near ready to be made a part of the Comprehensive Plan Amendment. She knew it was something the Housing Committee has been working on for a very long time. She wondered as a middle ground if they could set it for public hearing in late October and then that would give them time for the focus group. But then they would not have to worry about priorities being shuffled and it getting pushed down the line.

Mr. Edgerton agreed with Ms. Hopper because they might get some new ideas or refine them. He stated that he had read the whole policy and did not see any rough edges. He noted that he liked her middle ground that if they could at least get it on to the agenda because that would pout a little bit of pressure on the focus group to perform in a timely way. It would also allow them to have something that they could use in the coming months of which he felt that they were going to need them.

Mr. Loewenstein stated that makes scheduling it in advance a particularly good idea.

Mr. Edgerton stated that the only real leverage that the County was going to have under the current rules is going to be in rezoning situations. He asked if they could pick a public hearing date.

Mr. Cilimberg stated that staff actually has some dates in mind in October. He stated that staff would go ahead and schedule a date to allow sufficient time for the focus group to get public input and to get it to the Commission.

Ms. Hopper asked if because one of the twelve principles was affordable housing, if on rezonings they could already use that prong of the twelve principles.

Mr. Cilimberg stated that in a general way he thought that they could and actually have. Currently they can ask the applicant what they are doing about affordable housing. He stated that they have North Pointe coming next week and he thought that there was an element that they have included even though it was not a lot. So there are general policies now that can guide them. He pointed out that they very likely will have a next generation ordinance and this is again a basis for that.

Mr. Rieley thanked everyone for his or her input.

In summary:
The Planning Commission held a work session on CPA-03-03, Affordable Housing Policy. With the adoption of the Neighborhood Model by the Albemarle County Board of Supervisors and the charge given to address the inclusion of affordable housing in future developments, the Albemarle Housing Committee created a Housing Policy Subcommittee to draft an affordable housing policy. Rick White, Albemarle County's Chief of Housing, presented the proposed "Affordable Housing Policy" which was created by the Housing Policy Subcommittee. One of the key elements of the proposed policy is the strategy that establishes the desired minimum amount of affordable housing units that should be provided within development proposals. This strategy suggests that a minimum of 15 percent of all units developed should be affordable housing units as defined by the County Housing Office and Housing Committee. This strategy will provide guidance to staff in the review of development projects, particularly rezonings and special use permits. The Housing Committee is not recommending that a certain development size be established below which the strategy should not be applied. The Committee is recommending that all developments, regardless of size, be subject to review under this strategy. The Commission discussed the proposed policy and asked questions. In general consensus, the Planning Commission felt that the policy was heading in the right direction. The Commission agreed with staff's suggestions that the proposed policy be sent out to everyone who participated in the previous focus groups, and then hold one more focus group discussion before scheduling the public hearing. The Commission asked that the proposal stay on a firm time line so that it could move along quickly for approval so that it could be used in some of the upcoming applications. It was suggested that the next focus group discussion be held during the third week of September and then take it to public hearing in October.

Next Area to Master Plan - Work session to discuss the next area to master plan and a proposed scope for the master plan. (Elaine Echols)

Mr. Cilimberg stated that a couple of the Commissioners, Mr. Rieley and Mr. Edgerton, have both been in the DISC II meetings and this subject has come up on three occasions in that meeting. They have made a recommendation to the Commission that is a part of the package. On August 12, DISC voted to recommend Neighborhoods 1 & 2 in the Hollymead/Piney Mountain Community to be the next area(s) to masterplan. This is based on the development pressures that they see in the Route 29 area and the potential for redevelopment in some of these areas particularly closer in to the city. The recommendation is contained in a resolution that has been attached. It also contains statements of the desire of DISC II for concurrency of funding for infrastructure to new development. The proposed scope would be different from the scope of the

Crozet Masterplan. DISC II feels that a two-phased project may meet the needs of the County and these communities better than a single-phase project similar to Crozet. This area is a lot larger to swallow from both the dollar standpoint as well as the project management standpoint. The first phase would provide a more general framework plan along with guidelines for development for the Route 29 North Corridor. It would also identify areas for more specific plans to be developed in the phase two-study work. Phase 2 would provide greater detail and concentrate on specific areas for new development and redevelopment opportunities. Staff worked with DISC II in developing this. Staff certainly supports the concept and asks that the Planning Commission endorse the proposal to the Board of Supervisors. He stated that he would be happy to answer any questions.

Mr. Rieley stated that the committee really deliberated hard about this. They sent out questionnaires and then voted on the areas. He stated that there was a really strong consensus by the time that the conversation was finished that this is a really pressing area. A couple of the things that were discussed as sort of refinements about how this might go while this corridor is enormously significant there are connections to and through this corridor that are enormously significant and those should be incorporated in this study. He felt that there was a consensus that it was a good deal of interest in this being more systemic and less detailed than the Crozet Study was. Therefore, the location of houses was not what people thought was a reasonable product to come out of this but ways in which things could get connected and principles on how the development could occur.

Mr. Edgerton stated also that where possible they need to open the doors to our friends in the City.

Mr. Finley asked if the committee thought about the costs and if it would be a lot more than Crozet.

Mr. Rieley stated that was discussed and the consensus was that by not spending so much time on the detailed work and concentrating more on the systems that, in fact, even though the area is larger and more complex that the cost of it should be in the same neighborhood.

Mr. Loewenstein asked it would be possible to have the study accomplished in two ½ years. He pointed out that it was a lot of land to take in and that a lot of things were going on.

Mr. Rieley agreed that it was very complex.

Mr. Cilimberg stated that staff would know more once they start receiving responses to the request for proposals. It would certainly help outline the anticipated time frame. He pointed out that they were able to accomplish Crozet pretty much on schedule.

Mr. Finley asked if overall did the public hearing affect the outcomes.

Mr. Cilimberg stated that there was a feeling that it was a struggle at times because you have lots of public opinions about how the plan should be structured. He stated that not everyone agrees with every single element, but he thought that the broader Crozet Plan got a lot of buy in from a lot of people who participated. It was the effort to really get the public involved and reach out to people while developing that plan. He stated that it put it a step ahead of what you would otherwise have expected. He stated that honestly this was going to be more of a challenge because it was a larger area and there were probably pockets of very strong participation. He pointed out that they don't have a Crozet Community Association at the heart of the community's participation because they have homeowner associations in different developments in pieces of this study. He pointed out that it would probably require a different approach.

Mr. Loewenstein stated that there were a lot of people in the areas that were not represented by any kind of organization at all and who have not been used to participating in that kind of activity.

He felt that the topic would get people interested and fired up, but it would still be a little bit more of a challenge due to the larger area.

Mr. Thomas stated that he had a question with the fourth whereas in the resolution. He asked if they could discuss the concurrent with new development of that part there a little bit.

Mr. Rieley stated that there was a lot of discussion at the last meeting about this. He stated that he had some concerns about it as a Planning Commission action on this as a DISC II recommendation. There are two issues here. One is which is the next area to be master planned. The second issue is how much money is appropriate to spend within these areas that are masterplanned. He stated that he would feel stronger about making a statement for the concurrency of the development and public spending if in fact there were an increased density in the area in which there is not. So he was not certain that they need to endorse the resolution from DISC II. He felt that the Commission could simply say that we agree that this is the next area that needs to be studied.

Mr. Cilimberg stated that it might be good if they could focus on something in attachment A to the recommendations that were really about the study itself rather than the resolution itself.

Mr. Loewenstein stated that the resolution has been adopted.

Mr. Cilimberg stated that was going to the Board from DISC II.

Mr. Rieley stated that they did not need to adopt it.

Mr. Loewenstein stated that the Board adopted the resolution on page two last week.

Mr. Finley asked why this was before them.

Mr. Edgerton stated that this was just an information session.

Mr. Cilimberg stated that the Commission was fine to take an action if they were willing to do so in support of the recommendation for the study.

Mr. Loewenstein stated that he felt pretty good about it, but he would probably have some other questions and comments about the fourth paragraph of the resolution. But since they were not really going to go there that it did not matter. He stated that in general that this would really fill an important need and he felt that this was in general a good way to approach it.

Mr. Thomas stated that under four on Attachment A that it could/would or could this mean the same as an official map or is it strong enough to even lean in that direction.

Mr. Cilimberg stated that this was the study that sets out what will then be put into place in the County's policy documents through Comprehensive Plan Amendment. So in fact if you have enough definition to road locations that you know centerlines and right-of-ways, then you can in your Comprehensive Plan Amendment or separately adopt an official map level of a plan. He stated that they have never done that in the County, but he did not think that would be what you would build into this study per se. If you did anticipate wanting to get to that level, then there may be some things in the study that you want to accomplish. But he could tell you that when you start doing that or when you start talking about official map level of detail you are beyond a framework plan and you are beyond what the intention of phase one of this study is and probably even phase two.

Mr. Loewenstein pointed out that just talks about refining the framework plan.

Mr. Cilimberg stated that they don't even with the Crozet Master plan have everything in place to adopt an official map of Crozet right now. They might be able to take certain more significant roads and get that done, but you really have to get in and start deciding where your center lines and where your right-of-ways are because an official map has to be at that level of detail.

Ms. Hopper asked what he felt were the good points of having that.

Mr. Cilimberg stated that the really good point was that when you are talking to developers they know where the road is going to be and then they can plan around it and plan with it. He felt that the down side of it was that it very specifically establishes something so you better make sure that is where you want it. That takes a level of decision making that was not easy to do around here. He pointed out the example of Meadow Creek Parkway that was a very significant road.

Mr. Edgerton stated that the market forces changed for ideal locations.

Mr. Cilimberg stated that it has worked for cities and it could work in parts of what they have in the County. In fact they have identified a very good candidate for an official map level of amendment that the Commission might want to consider when the Hydraulic/Rt. 250 by-pass work is completed and we know the kinds of specific improvements in that area to the existing road system for interchanges and round-abouts which have been talked about. If they were going to get to that level of ultimate approval, it makes sense to get that into an official map level adoption in the County. Then when you talk to an Albemarle Place type of developer, they know what they need to preserve. Right now, they really don't and that is an issue for them.

Mr. Rieley asked if they need to take an official action on this.

Mr. Cilimberg stated that staff would love it.

Mr. Loewenstein moved that the Commission adopt the language in Attachment A for the next area to masterplan.

Ms. Hopper seconded the motion.

Mr. Finley asked which pages they were adopting.

Mr. Loewenstein stated that they were adopting two pages 3 and 4.

The motion carried (6:1). (Finley – No)

Old Business:

Mr. Rieley asked if there was any old business. There being none, the meeting proceeded.

New Business:

Mr. Rieley asked if there was any new business.

Mr. Loewenstein stated that he had a letter from the Board of Supervisors dated June 16th that Mr. Dorrier sent officially for him to serve on the Mountain Overlay District Committee because he had agreed to do that. Since that time, his plans have changed and his term on this Commission will end at the end of December of this year and he would not be pursuing another appointment. After four terms, he was ready to allow somebody else to represent the County on the at-large seat on the Commission. Since there has not been a schedule established, he felt that before the Committee begins to meet that it would make more sense from the perspective of continuity to have somebody else take that work up. He stated that before the committee starts to meet, which will be soon, it might be good to select another Commissioner.

Mr. Rieley stated that it was disappointing news on both fronts. He suggested that they take a couple of weeks to try to talk him out of it. He pointed out that Mr. Loewenstein has been an enormous asset to this group and hoped that he would stay as long as he wanted.

Adjournment

With no further business, the meeting adjourned at 7:40 p.m. to the next meeting on August 26, 2003.

V. Wayne Cilimberg, Secretary

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