Albemarle County Planning Commission
February 26, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, February 26, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Bruce Dotson, Don Franco, Richard Randolph, Thomas Loach, Russell (Mac) Lafferty, Vice Chair, and Calvin Morris, Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Scott Clark, Planner; Mark Graham, Director of Community Development; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Morris invited comment from the public on other matters not listed on the agenda.
There being none, the meeting moved to the next agenda item.

Consent Agenda:

Approval of Minutes: August 7, 2012, December 11, 2012 and January 15, 2012

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Motion: Mr. Franco moved and Mr. Lafferty seconded for approval of the consent agenda.

The motion carried by a vote of (7:0).

Mr. Morris noted the consent agenda was approved.

Public Hearing Item

SP-2012-00028 Stoner
PROPOSED: Special Use Permit for one additional development right to create a second dwelling unit on the parcel
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.28 Divisions of land as provided in section 10.5.2.1;
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 240 Chestnut Oak Lane
TAX MAP/PARCEL: 076N00000013A0
MAGISTERIAL DISTRICT: Samuel Miller
(Scott Clark)

Scott Clark presented a PowerPoint presentation and summarized the staff report.

This is a request for a special use permit for an additional development right for a parcel in the rural areas. The property is in the Short Farm Subdivision. There are significant areas of critical slopes on the site. The proposal is for an additional development right to build a dwelling near the existing house. The property has no existing additional development rights. In this case the new structure would be used for housing relatives of those living in the main structure.

The main points in the staff report include:

The property is designated as rural areas in the Comprehensive Plan. The planning policies for the rural areas do focus on limiting and reducing the potential for residential development. As is true for nearly all of requests for additional development rights they can't be said to be totally in conformity with the Comprehensive Plan. However, there is a long history of these applications and many of them have been approved most often when they were applications for an additional development right for a family that had used all of their development rights for family members on a family farm. The case most similar to this one was SP-2010-34, which was approved a couple of years ago. It was done mainly to provide housing for a family to be near grandparents so the grandchild could be taken care of because the grandchild was disabled. There are similar conditions in the current proposal, except that the intention is to use the additional dwelling for family members who may need medical care. The Glen Hall request was approved by the Board of Supervisors. The only difference there was it was approved for the creation of a separate lot whereas there is no separate lot being requested in this case.

In many cases the need for an additional dwelling like this for family members would be done through an accessory apartment either within the existing dwelling or as a connected addition onto an existing dwelling. Due to the design of the existing house and due to the steep topography on the property the applicants don't feel that is a practical option for them. It would be much more practical to build a separate dwelling than to have an accessory apartment inside or added to their existing house. Staff's approach in reviewing this was to try use potential conditions of approval to make the proposed additional dwelling as similar to an accessory apartment as possible. There are several ways in which they propose doing that, which are listed in the presentation.

- The first was limiting the gross floor area of the additional dwelling to the same amount that would be permitted for an accessory apartment or 35 percent of the gross floor area of the main dwelling.
- Prohibiting subdivision of the parcel so that the separate dwelling could not become the residence on a separate property. It would always remain part of this existing parcel prohibiting reduction in the size of the parcel so that now it is a ten acre parcel, it is wooded, and a decent distance from the nearby dwellings. If there were subdivisions or boundary adjustments in the future that could end up meaning there would be other dwellings closer to this that might be more impacted. Prohibiting subdivision would avoid that.
- Prohibiting an accessory apartment in the existing dwelling so they would not end up with effectively two accessory dwellings on the same parcel. This new house would just replace the potential for an accessory apartment.
- Condition #6 is about rental of the additional dwelling. Staff felt that limiting the use to either occupancy by family members or to transient guests would make it more like the typical uses for an accessory apartment. However, it is true that accessory apartments can be rented. Those are the policies issues.

There were no sufficient problems with the technical issues for the site. The only detailed concern they heard was from Fire/Rescue who wanted to make sure there could be a turnaround area and a parking spot in front of the new dwelling accessible to an ambulance given its proposed use for people needing medical care. That is not typical to achieve. Staff is just proposing that be included in the conditions of approval so that Fire/Rescue could review the building permit plans if and when the building is approved.

In summary, there are two main reasons for recommending approval.

1. There is a precedent for approving additional development in the rural areas for the purposes of family medical care.

2. Through conditions of approval they could make this additional dwelling very similar to a by-right accessory apartment.

Although it is not an unfavorable factor for this individual request, the cumulative impact of numerous similar approvals could lead to more significant impacts to the Rural Areas or a particular portion.

Staff recommends approval of SP-2012-00028 Stoner with the six conditions as listed in the staff report, as amended, changing the word "built" to "establish" in condition #4.

RECOMMENDED CONDITIONS OF APPROVAL:

1. One single-family dwelling unit in addition to the existing single-family dwelling unit may be built on Tax Map Parcel 076N00000013A0.

2. The additional single-family dwelling unit shall not exceed one thousand seven hundred (1,700) square feet of gross floor area.

3. The additional single-family dwelling unit shall be occupied by a member or members of the immediate family of the permittee, as that term is defined in Albemarle County Code §14-106 in effect on (date of Board action), 2013, or by transient guests of the permittee.

4. No accessory apartment shall be **built** within the existing single-family dwelling unit or the additional single-family dwelling unit.

5. Construction of the additional single-family dwelling unit shall not commence without approval from the building official, the fire official, and the Virginia Department of Health.

6. Tax Map Parcel 076N00000013A0 shall not be subdivided or reduced in acreage.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if staff knows the proposed dwelling's location.

Mr. Clark replied no, there is no plan to go with the special use permit. However, in general the plan is to have the dwelling in an area near the existing dwelling. Due to the terrain it gets impractical to place the dwelling any further down the slope.

There being no further questions for staff, Mr. Morris opened the public hearing to the applicant and for public comment. He invited the applicant to come forward and address the Planning Commission.

Frank Stoner, applicant and property owner, said he was present this evening with his wife, Elizabeth; father-in-law, Ben Bondurant; and mother-in-law, Ann Bondurant who would be the residents of this dwelling unit. He did not have a lot to add to the staff report. A copy of the location aerial showing potential locations for the dwelling unit was given to Mr. Smith. He would pass out copies to the Commission.

Mr. Morris noted he said sites and asked if there was more than one possible site.

Mr. Stoner replied there are several sites they have evaluated. Different sites have different advantages and drawbacks both from an accessibility standpoint as well as a proximity standpoint to the existing house. They can look at those in more detail if they would like. In general, the locations that are further up the hill probably provide easier access for them by vehicle, particularly if the weather is not ideal. The units further down the hill obviously involve going down terrain that is a bit steeper that has a curve in it. Obviously, the advantages of being proximate to the house are that it is closer to the main house and puts the building closer to the existing open space, which is reasonably level. The problems with the location that is closer to the house are parking problems and getting a route from the parking area to the house that would be accessible for someone handicapped. They are still evaluating that. They did not

see any point in doing engineering until they had some indication from the Commission as to whether they can move forward. (**Attachment 1**- Aerial Map submitted by Frank Stoner – Attachments on file with the printed minutes in the office of the clerk)

Mr. Morris invited questions for the applicant.

Mr. Loach asked for a description on what he plans to build.

Mr. Stoner replied they plan to build a cottage. While they have been limited to 1,700 square feet under the proposed conditions he thinks realistically the size would be more in the 1,100 to 1,200 square foot range. They would be agreeable to a further limitation in square footage if that was for some reason important to the Commission. It would be a simple one bedroom probably with a small sitting room of some sort for his father-in-law to read and may have some loft space above for storage depending on the topography. It may have a partial unfinished area below that could also be used for storage because that is how their topography works. It would have a simple small kitchen, a little eating area, living room and a bedroom.

Mr. Randolph said he would be interested if this body turned him down what he would then do.

Mr. Stoner replied that they would look for another place. His father-in-law and mother-in-law live in Earlysville and would like to get closer. He and his wife would also like them closer to their home. Therefore, the proposal is certainly their preferred solution. They think it is in compliance with the intent of the existing regulations, which would allow an attached accessory dwelling unit of this size. In their case a detached dwelling would make more sense because of the architecture of their house and topography. In addition, while they would like to be close they don't necessarily want to be in the same building. He thinks that is a quality of life issue. If the request gets turned down, he guessed they would find another solution.

Mr. Randolph said the reason they did not want an attached wing on his house was due to the topography and having enough area for a detached dwelling, which would be for the sake of his in-laws and their privacy and style of life.

Mr. Stoner agreed that was a primary consideration. A secondary consideration is they have already put two additions on the house. If they looked at the layout inside the house there is no place really to connect an accessory structure that would not end up in somebody's bedroom or involve a serious reorienting of the existing rooms.

Mr. Kamptner pointed out under state law there is an alternative that is called a temporary family healthcare structure. That is an alternative since by law they are to be permitted as an accessory use to the primary residential use. They are temporary in nature, manufactured homes that would be brought to the site, which would have to be removed once the family member being cared for is no longer living there.

Mr. Randolph asked if there is a stipulation of how many square feet that unit cannot exceed.

Mr. Kamptner replied no, in this case by definition it is limited to one occupant and has to either have a physical or mental impairment with no more than 300 gross square feet. Therefore, the structure is very small.

Mr. Dotson said he was interested in hearing a little more about what is unique about his site. He was concerned with the precedent in others who may have exactly the same conditions making the same request. He asked in what ways he considers his site unique

Mr. Stoner replied obviously the topography is such that there are not a lot of areas to build, which is not relevant to the policy issue that he is talking about. He thinks fundamentally their request is in compliance with the spirit of the existing regulation. They are in effect already in the urban growth area. While they are not defined as such if they look at their proximity to town they are served by two major

highways within one-half mile being Route 29 and I- 64. The request is unique in that sense and not just another rural subdivision. One, they are not asking for a subdivision. Two, they are in effect in the urban area. In that sense when they add that to the fact that essentially they are asking for an accessory dwelling unit and the impact is no different than it would be if the unit was attached. He was not sure what the county's concerns are as it relates to impact. However, if he had the same number of residents living in an accessory dwelling that happens to be attached to his house he was not sure the difference if it was detached. He would ask for some policy clarification from the Commission's perspective about what it is about this that could scare them. Then he could address that in more detail.

Mr. Morris pointed out from a personal point of view he applauds them for just coming up with this. It is wonderful they are trying to keep the family together. It does not bother him at all that he wants a separate dwelling unit up to 1,700 square feet. He would beg him to consider the same stipulation that they had for the Halls and others that this remain in the family for at least ten years.

Mr. Loach said he would ask for two stipulations. One, he had already stated, which is limiting it in the condition to one bedroom. The second limitation would be the limitation of ten years in the family. That is the consistent number of years they have been using for all of these requests in this type of situation. Usually it has been where someone has run out of family division rights and they have one more child.

Mr. Stoner asked given those terms would they have the right to subdivide because that is what it sounds like. In effect, they have to treat this as if they are asking for another development right when in fact they really are not. He feels like he is being penalized. Essentially he is asking for a detached accessory dwelling and he is somehow being treated as if this was a request for another development right which it is not. If he had the ability to subdivide he could understand the concern about the ten years and the family issue. But, he was not quite sure he understands.

Mr. Loach noted his view was that he did not have a development right.

Mr. Stoner pointed out that he was not asking for one either.

Mr. Loach pointed out he was just trying to be consistent in the treatment they have done to others where the ability to build did not exist, but there was a need to build. That is how they treated it.

Mr. Stoner noted his only question would be if they did get a development right in that case,

Mr. Morris replied they did not.

Mr. Clark pointed out the last few approvals on special use permits for additional development rights have had time limits on them for the ownership of the new parcel that is created. In this case since there would no parcel being created the condition requiring that this current parcel not be divided is essentially doing the same thing permanently they do with those other approvals for ten or fifteen years. Because there is no subdivision here there is not going to be a separate parcel. The dwelling could be rented so it might become its own primary dwelling. However, he was not sure how they would apply the time limit. They could apply the time limit to occupancy of the new dwelling, which could only be a family member for 10 or 15 years. However, he was not sure what that achieved in the long term.

Mr. Morris pointed out when the Commission looked at the Hall request for the dwelling unit they did not have any additional subdivision rights. The Halls wanted an additional unit so they could have their grandchild near who was severely disabled. They put the time limit there, again, because it was a separate dwelling on that piece of property for ten years. It was not a subdivision right.

Mr. Clark noted that one actually was going to be a separate lot and a family subdivision. The time limit would apply to ownership of the newly created parcel.

Mr. Morris said he would stand corrected.

Mr. Franco said it usually has been associated with a subdivision or the creation of a lot that could be sold

with the idea that if it is going to be created for a family purpose they want to allow that. However, at the same time they don't want someone taking advantage of this in creating a commodity that they can sell in the near future. Since this is not going on a separate piece, he did not know if the fifteen years applies.

Mr. Lafferty noted one of the concerns was this is rural and how it would affect the Short Farm Subdivision if everybody else got the same deal.

Mr. Stoner noted that everybody else has that right already to build an accessory dwelling unit and put that additional traffic on the street.

Mr. Kamptner noted they need to have a development right to create a dwelling unit. Having that development right also allows the owner to divide. When the dwelling unit is created if they have three development rights they can put those three units on a single parcel. Community Development will look to make sure those parcels could be subdivided at some point in the future. So the development right really serves two purposes. It allows the fully functioning dwelling unit and the potential for future subdivision.

Mr. Stoner clarified his perspective as it relates to the time limit. If they want to treat it as these other cases have been treated he was happy to consider that as an alternative as long as they get the same rights they conferred to.

Mr. Morris pointed out that is what they are trying to do and not make life difficult for him.

Mr. Morris invited public comment. There being none, the public hearing was closed to bring the matter back before the Planning Commission.

Mr. Dotson said his question to Commissioner Loach referred to condition 3, which is for the life of the special use permit. He asked if he was talking about limiting that perhaps to ten years.

Mr. Loach replied yes, that number 3 essentially says in effect it has to be a family member in the residence. He was just trying to be consistent with the time period they have used in the last 3 or 4 cases, which was ten years that it has to be a family member there.

Mr. Dotson said his opinion is unless there is a time limit it is entirely unrealistic and is just asking for an enforcement headache in the future.

Mr. Smith asked staff what is the definition of transient guests.

Mr. Clark replied that transient was the best term staff could come up with to mean not permanent. That is open to interpretation.

Mr. Smith said that answers the question. Transient guest could be someone here for a year going to college.

Mr. Kamptner pointed out when zoning looks at that question in dealing with transient lodging they usually use 30 days as a rule of thumb in the cases in which they have conferred with him.

Motion: Mr. Smith moved to recommend approval of SP-2012-28 Stoner with the conditions outlined in the staff report.

Mr. Lafferty asked does that mean there has to be a family member in there or nobody.

Mr. Clark replied that a guest would not have to be family members.

Mr. Benish pointed out it could be used as a guest cottage or for family.

Mr. Franco asked what a guest cottage is.

Mr. Benish replied that it was for guests that were not there for a year at a time.

Mr. Morris said it was limited to 30 days or so on. He asked if he was hearing it correctly.

Mr. Franco said he supported it and would like to consider a second to the motion.

Mr. Kamptner said as a matter of protocol the second is just to show enough support for the motion so that can lead to a discussion.

Mr. Loach seconded the motion.

Mr. Morris invited discussion.

Mr. Franco said he would like to see a friendly amendment to that motion. He did not have as much concern because, again, he did not think they were creating a commodity that can be sold. He was looking at accessory units as a right to have now. The fact that it is a separate building does not bother him as much as long as it remains accessory in scale and everything else. To that end 1,700 square feet sounds big. Therefore, he would prefer to see that number reduced in size. The applicant talked about 1,200 square feet. Therefore, he suggested the condition be for 1,300 square feet to allow some wiggle room on that. He proposed they eliminate the third condition because it is too hard to enforce. If it is an appropriate scale and if he could rent the accessory unit within the building, he did not think he needs to make that a condition for an accessory building that just happens to be separate as long as there is no ability to subdivide it in the future.

Mr. Morris said his request for an amendment is the elimination of condition #3.

Mr. Franco agreed and suggested adding a change to condition #2 to say 1,300 square feet instead of 1,700 square feet.

Mr. Loach said the question has to arise in what he is saying would then set a precedent that anyone that felt they wanted to use this methodology versus an accessory apartment would be able to do it.

Mr. Lafferty agreed it would be for anybody.

Mr. Franco agreed if they can make it accessory. He thinks what makes it accessory is the scale of the building, the lot, and the ability to make it seem accessory. If they were trying to do this on a one acre lot he thinks they would have problems with some of the health and safety aspects of it and the utilities. Two, they would have a hard time making that look accessory to a building on a two acre lot in the rural area.

Mr. Lafferty noted in the past they have done this for humanity reasons.

Mr. Franco said in the past they have created the division right. With the Hall request they could have the building in the lot and were allowed to create the lot. The concern was that lot would be created and they would end up with an extra unit in the rural area because it is now something that could be sold. By not having it something that could be sold right away he thought they were forcing the applicant to sit down and say do I really want this. He would want to keep it of a small enough scale that it does seem accessory because he did not know it will ever recover its value if they try to sell the property. It is not going to be two units on the property.

Mr. Lafferty asked would it be possible for them to build it and have someone else live in it since they are eliminating condition #3 and then have an accessory unit attached to the house.

Mr. Franco replied no, because condition #4 says no accessories to the main structure or to this new structure. He thinks they have eliminated the ability to get more residential units so to speak if they consider an accessory unit a unit. It was simply moving it from inside the building to outside and because

there is enough land in this particular case and scale to continue to make it feel accessory he did not have a problem with it

Mr. Loach said it goes back to the precedent. Do you want to set a precedent of creating something when nothing exists as a separate entity versus an accessory attached apartment? That is all he was saying.

Mr. Franco pointed out to answer that question he thinks they are going to see more and more of these as they deal with the aging population. It was okay in his mind because if they are going to deal with this he thought that the component about the standard of living or life style of not having it necessarily connected is a good thing. Again, it won't apply to every situation. It is just in this particular case they do have the acreage and the ability to make it accessory.

Mr. Smith said they need to show some compassion and understanding in how they would like to be treated in the same situation. He suggested they make that amendment to the motion and he would agree to it.

Mr. Franco agreed.

Mr. Randolph said he liked the idea of cutting the size down from 1,700 to 1,300 square feet. He actually had 1,200 square feet in mind, but 1,300 square feet would be livable. He was not comfortable eliminating condition #3 for the reasons discussed. He thinks they are opening up situations that are going to come back to haunt us. In condition #4 he is not sure if the wording is appropriate. It says no accessory apartment. He would rather have that read a little more broadly to say no accessory structure shall be established within the existing single-family dwelling unit for the additional single-family dwelling unit. In essence after this is permitted to allow the 1,300 square feet on this particular piece of property there will be no discussion in the future of an addition going onto this single-family dwelling unit. With that basis he can support it. However, if condition #3 is eliminated he cannot support the application.

Mr. Kamptner noted the term accessory apartment is a defined term in the zoning ordinance. It is the one type of dwelling that can be created without using a development right. It is very specifically used in this case.

Mr. Randolph withdrew his objective to condition #4 and recommendation to change the language. However, he still has a concern about the elimination of paragraph 3.

Mr. Morris asked how many Commissioners would be willing to remove condition #3. There were two Commissioners out of seven willing to remove condition #3.

Mr. Randolph amended the motion for approval with the conditions as stated.

Mr. Morris said the motion stands with the condition as stated. In the straw pull the recommended amendment would not pass.

Mr. Franco said if there was a concern to add the time line and they were trying to build that consistency they have been talking about if they want to consider making an addition of a development right so that it could be subdivided.

Mr. Loach replied no. He was willing to change #3 from being in perpetuity to a ten-year limit since that is consistent. However, the only difference in the motion would be to amend the square footage. That would have to be done.

Mr. Lafferty said one of the favorable conditions is a precedent. He just does not want to create more precedents that come back to bite us. He would support the 1,300 square feet and leaving condition #3 in.

Mr. Dotson favored 1,300 square feet and the ten-year modification to condition #3. To feel progressively more comfortable with this he was wondering if the Commission thinks it wise and if the applicant would be willing to stipulate the siting as being the blue site on the diagram passed around. That would place accessory unit within what he would call sort of the "family homestead". It helps him to think of it as really just being an accessory apartment that is detached. It is almost like a transfer of a development right. He hates to use that term because it may confuse things. However, it is taking a living space that is allowed within and moving it someplace nearby even though it is not attached. That is starting to get close to the same intent. However, that is true on the site that is blue but not so much on the other two sites. He does not know if the Commission or the applicant would be interested in keeping the accessory unit within the "homestead" as opposed to sort of being off by itself. That would help him support the request.

Mr. Franco said when he thinks about it in the terms of what he was saying about simply transferring that development right or living right outside and keeping it in that envelope that he kind of falls back on he could have that right in the house and rent it without restriction. He was not sure why they would want to place that restriction as it moves outside if they are still maintaining it as an accessory structure.

Mr. Loach agreed for just that reason. He felt that an accessory apartment was always a contiguous part of the house used as a rental unit to help subsidize the homeowner. That is the way he has always looked at the concept of accessory units as they have defined them. It is not a separate entity built as an accessory dwelling on the property.

Mr. Morris said he personally supports what Mr. Dotson was saying. The only thing that concerns him is based upon what he thought he heard the applicant say. It is that these are three sites that are being considered and weighing the pros and the cons that really has not been finalized yet. He would prefer that if they approve this that the applicant has the right to complete that analysis as to what would be the best site for the applicant and his in-laws. That is where he is coming from.

Mr. Dotson commented that if the Commission wanted to include that, then since this has to go to the Board of Supervisors that analysis of the site could be completed before it gets to the Board. Then the Board could remove the condition from the Commission's recommendation if they saw fit.

Mr. Morris pointed out that was a good point.

Mr. Smith said he hates to take away Mr. Stoner's choices of locations. However, the blue location is ideal. But, they are going to have to do a lot more grading and cut a lot more trees to be able to get a driveway into it, whereas the other two choices would not and would be less disruptive.

Mr. Lafferty said it appears from the contours that the closer to the entrance would be more ideal with less grading.

Mr. Franco noted that it would probably feel less as an accessory use.

Mr. Lafferty said it would be more accessible for an ambulances, fire engines, and things like that.

Mr. Loach said the other thing as Mr. Franco mentioned before was that in this situation it might very well fit because of the size. However, then they would also have to determine what is the minimum size they would allow a structure to be an accessory or off site. In other words, on the site but built as a separate unit. Why couldn't somebody who has the acres say they can fit it on the site? It might be a tight squeeze, but this is the way they would want to do it. He was just thinking they are asking for more problems in the definition by setting the precedent.

Mr. Franco said he thinks they set the precedent by allowing this. Even with the restrictions they were allowing they were setting a precedent. So the real question is it a necessary condition because it will be an enforcement issue. It talks about it in the staff report. He did not know how they were going to regulate that. So why are they setting up something that is going to be difficult to regulate for the requirement that it be for the family member.

Mr. Loach said to some extent he was absolutely correct, except in the instance where somebody abuses it and gets caught, and then the infraction can be rectified. As far as the condition in setting the precedent they are not actually setting too much of a precedent because they are using the same sort of decision making in using the family need for this as they have used in the past. They have not gone outside that use for family purposes in that context as they have in the past.

Mr. Franco noted that was where he probably disagrees. What he hears him saying is because the precedent has been set with the family member and given the extra division right to allow this to happen that in the past it would be a better idea to come forward and ask for a division right to accommodate the family because the precedent has been set for that.

Mr. Loach pointed out what he was saying is that he is using the need expressed by the family to do this as the reason for doing it as he has done in the past that it was a "family need" to have it done. That is what he is basing it on.

Mr. Morris said what he thinks he hears from the Commissioners is number one they have a motion recommending approval with all of the conditions as set forth. During the discussion two primary things have come out that he has heard. 1. A reduction of the square footage allowed from 1,700 to 1,300 square feet. 2. To encourage the siting of the house on the blue area shown. Those are possible amendments. He asked if the Commission wants to go that route.

Mr. Smith, as the motion maker, said he did not want a restriction as to where he builds it.

Mr. Lafferty agreed.

Mr. Smith said he thought that was unfair. He would go along with the 1,300 square feet.

Amended Motion: Mr. Smith amended the motion to change the condition for the reduction of the square footage from 1,700 to 1,300.

Mr. Loach seconded the motion.

Mr. Kamptner asked to add one additional amendment. Staff has shown one minor change to condition #4 changing "built" to "establish".

Mr. Loach said it would be the conditions as stipulated by staff with the changes.

Mr. Clark pointed out he also noticed that condition #3 in the staff report says transient guests and for some reason the PowerPoint just says guests. However, the assumption would be that they are going by what is in the staff report.

Mr. Lafferty said in condition #3 it goes on forever. If sometime in the future they can only have guests there. He thought that was too restrictive and they should put some time limit on that.

Mr. Loach suggested that they go to the standard they have been using of ten years.

Mr. Smith said he would go with five years as part of the motion since ten years is too long.

Mr. Randolph asked if they could live with seven years.

Mr. Morris noted that the maker of the motion said five years. He asked if there was a second to the motion.

Mr. Lafferty seconded the motion.

Mr. Randolph said he felt that five years is too short and ten years too long. He asked Mr. Smith if he would go with seven years.

Amended Motion: Mr. Smith amended the motion to change condition #3 to seven years.

Mr. Dotson seconded the amendment to seven years.

The motion passed by a vote of 6:1. (Mr. Franco voted nay.)

Mr. Franco noted that he voted nay. He was in favor of moving this forward, but not in favor of the time restriction of condition #3. He can't support the motion as made for seven years.

Mr. Morris voted aye, but noted he would rather have ten years.

Mr. Lafferty voted aye with the note the Commission is recommending this to the Board of Supervisors.

Mr. Morris said a recommendation for approval of SP-2012-00028 Stoner would be forwarded to the Board of Supervisors to a date to be determined with the conditions outlined in the staff report, as amended.

1. One single-family dwelling unit in addition to the existing single-family dwelling unit may be built on Tax Map Parcel 076N00000013A0.
2. The additional single-family dwelling unit shall not exceed one thousand three hundred (1,300) square feet of gross floor area.
3. The additional single-family dwelling unit shall be occupied by a member or members of the immediate family of the permittee, as that term is defined in Albemarle County Code §14-106 in effect on (date of Board action), 2013, or by transient guests of the permittee, for a period of seven (7) years.
4. No accessory apartment shall be established within the existing single-family dwelling unit or the additional single-family dwelling unit.
5. Construction of the additional single-family dwelling unit shall not commence without approval from the building official, the fire official, and the Virginia Department of Health.
6. Tax Map Parcel 076N00000013A0 shall not be subdivided or reduced in acreage.

Presentation

Community Development Work Program (Mark Graham)

Mark Graham, Director of Community Development, presented a PowerPoint presentation on the Community Development 2013 Work Program. This is a recap of what he had discussed with the Board earlier in the month. Every year staff goes to the Board to talk about what priorities the Board has for staff and would like to see us focus our energies on in the next year. He reviewed the work plan program information noting the following items that he seeks direction on from the Board.

- Comp Plan Update
- Storm water management program (state mandates - changes)
- Industrial Uses, Phase 3
- Phase 4 – additional possible part of comp plan update interest to create additional zoning category or expand land for industrial uses
- Critical slopes modification
- Wireless Policy
- Transient Lodging dealing with wineries
- Noise Ordinance
- Rural Area Churches work
- Re-codification of the zoning ordinance
- Work Load Increase/Staffing Limits & Needs/Staff Reduction
- Update ARB guidelines
- Off-site sign issues

In summarizing the work load Mr. Graham said they are still seeing a continuing upward trend. It is very gradual. They are getting very close to a normal work load. That seems to be substantiated both by the building activity received and by the population increases they are seeing. The work load is starting to stretch our staff capacity. They are watching this very closely because when they hit that threshold what they start to see is the quality drops, the review time increases, and the complaints increase. They have significantly fewer resources to deal with these initiatives and priorities in the work program. Related to that the challenge they obviously are concerned about is as the job market improves staff feels if they are pushing them too hard they will see increased staff turnover. Once you get that then they lose a lot of the advantages they have from building up the experience of the well trained staff that they have had.

As far as the 2013 priorities they always try to focus on the following three things:
1. Legal Mandates
2. County Initiatives – What the Board of Supervisors say are important.
3. Everything else

He invited questions from the Planning Commission.

Mr. Lafferty suggested a priority should be to increase staff. The work load increase with the storm water management will be huge and the timeline is getting close. He said staff has done an excellent job. However, he was really concerned about the future and staffing.

Mr. Loach suggested having a planner assigned at the local community level would help handle the public input. It would save time by getting the issues worked out earlier.

Mr. Randolph suggested using the philosophy "demand and you shall get". The Commission supports the staffing needs for an additional engineer, zoning planner and another planner.

Mr. Dotson noted the Planning Commission should be more involved in the work planning process. The placeholder for implementation is probably a target they should aim at when the Commission addresses the Comp Plan and sends their recommendations to the Board. To anticipate that the following are particularly important:

- The City and County Planning Commissions indicated by their votes and show of hands that working on the Rivanna Corridor was the highest priority. He would like to give that a specific identification in our recommendation to the Board because of that.
- In putting together the new Comp Plan the staff and the Commission's input has been working towards putting in more and more metrics so that it is measurable. There should be regular review, such as annually.

Mr. Franco suggested adding information on page 5 in order to understand the FTE's versus having just a big lump sum of employees. It would also work into the work program. With respect to priorities the Neighborhood Model should be raised in the work program and given higher priority. When they adopted the Neighborhood Model they made a lot of promises to the development community to address some of the concerns that they raised such as the setbacks, buffers between uses, alleys and some of the problems with the fire department in trying to get standards and making that workable. They have not enabled that by right zoning to move forward and implement the other aspects of the Neighborhood Model that they want to see. Anything they can do to move the Neighborhood Model forward would be really important to avoid the by right conventional zoning projects moving forward that way.

Mr. Randolph suggested in terms of the resource limited other initiatives that should be listed by priority.

<u>Conclusions and Directions to Staff</u>

- Request that Commission receive information on work program annually in order to provide input to staff to be passed on to the Board of Supervisors.

The Planning Commission took no formal action.

Old Business:

Mr. Morris asked if there was any old business. There being none, the meeting moved to the next item.

New Business

Mr. Morris asked if there was any new business.

- Open House on Comp Plan Update to be held on March 14th from 9:30 a.m. to 7:00 p.m. in the McIntire County Office Building, Second Floor Lobby to allow the public to look at areas in the Comp Plan and ask questions and provide comments. Commissioners were encouraged to attend sometime during the day. The public will get a chance to look at areas in the Comp Plan and ask questions.
- Comp Plan Update Planning Commission Public Hearing on March 26, 2013 at 6:00 p.m.
- In the review of the Community Development Work Program the Commission felt strongly that staffing needs should be pushed. Staff requested to provide the Commission's consensus about staffing needs to pass on to the Board of Supervisors. The Commission's recommendation is to take a hard look at staffing and plan for the future given that they think the workload is going to increase, the potential of losing staff may increase, and there is a transition time for training.
- No Planning Commission meeting on March 5th and March 12th
- The next Planning Commission meeting will be held on Tuesday, March 19, 2013.

Adjournment:

With no further items, the meeting adjourned at 7:35 p.m. to the Tuesday, March 19, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)