Albemarle County Planning Commission
January 13, 2015

The Albemarle County Planning Commission held a regular meeting on Tuesday, January 13, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson, Tim Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present. Ms. Firehock arrived at 6:03 p.m.

Other officials present were Scott Clark, Senior Planner; Meagan Yaniglos, Senior Planner, David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Cilimberg, serving as temporary chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Election of Officers: Chairman and Vice-Chairman:

Mr. Cilimberg opened nominations for the election of Chair of the Planning Commission for the upcoming year.

Mr. Randolph nominated Cal Morris to be Chair for 2015 and Mr. Keller seconded.

Mr. Cilimberg asked if there were any other nominations. There being none, he closed the nominations and called for the vote.

The nomination of Cal Morris as Chair of the Planning Commission for 2015 carried by a vote of (5:0:1). (Mr. Morris abstained) (Ms. Firehock absent)

Mr. Cilimberg turned the meeting over to Mr. Morris.

Mr. Morris asked for nominations for Vice Chair of the Planning Commission for 2015.

Mr. Dotson nominated Mac Lafferty to be Vice Chair for 2015 and Mr. Loach seconded.

Mr. Morris asked if there were any other nominations. There being none, he closed the nominations and called for the vote.

The nomination of Mac Lafferty as Vice Chair of the Planning Commission for 2014 carried by a vote of (5:0:1). (Mr. Lafferty abstained) (Firehock absent)

Set Meeting Time, Day, and Location for 2014:

Mr. Morris asked for a motion to set the Commission's Meeting Time, Day, and Location for the upcoming year. The regular meeting time generally is 6:00 p.m. on Tuesdays in the County Office Building in the Lane Auditorium. There are other times when they will meet with the City or in Room 241. He asked if there were objections to the schedule as posted by staff.

Mr. Cilimberg noted that a 2015 schedule was provided as the Commission had reviewed and accepted in December. The information was in keeping with the past procedures for meeting that identifies specified public hearing dates as well as work sessions and then dates where there are no scheduled meetings, which could be used in the event a meeting is necessary.

Ms. Firehock arrived at 6:03 p.m.

Motion: Mr. Lafferty moved and Mr. Keller seconded for acceptance of the 2015 Planning Commission meeting schedule that will be held in the Lane Auditorium beginning, unless otherwise noted, at 6:00 p.m. on Tuesday.

The motion passed by a vote of 7:0.

Adoption of Rules and Procedures:

Mr. Morris asked if there are any concerns with the rules or procedures. He thanked Ms. Firehock for her email. He asked if everyone received the email that laid out what the Board of Supervisors went through, and asked Ms. Firehock to explain the email.

Ms. Firehock noted she had one concern about rule #7 on page 5 of the Rules and Procedures, which is the suspension of rules of procedure. Essentially she did not understand why they would have these rules and then a rule that they can suspend our rules at any time that they so choose as long as it does not violate State law. But, she did not see the necessity of having that and thinks it actually is an indication of poor procedure that they can actually vote to suspend our rules. She recommended striking #7 entirely.

Mr. Morris asked Mr. Kamptner if he had any comments on that.

Mr. Kamptner replied that it is normal for public bodies that have rules of procedure to have a provision that allows them to suspend rules. There are a number of rules that are within our rules of procedure that are not suspendable. For example, the Commission could not vote to relax the standard for what constitutes a quorum because that is established by State law. Some of the provisions they may want to be certain they have the ability to vary. For example, the limitations on speakers and things like that there is an ability to waive. Some of the provisions in here, for example matters not on the agenda, people are allowed three minutes. However, there may be a circumstance where it would be the Commission's desire to allow four minutes for them to get their point across. They could build that into the particular specific regulation.

Ms. Firehock said she would prefer to say that they amended a rule in terms of how long people have to speak just by adding a line saying the Chair at his or her discretion may add additional time for clarifying points, etc. for which they have done. But, to give some background on why she was concerned about this is she harkens back to before she was on the Planning Commission watching the Board of Supervisors at their midnight vote where they added the bypass. She was at that meeting and they voted to suspend their rules for how items were added onto the agenda. They also did not vote at the beginning of the meeting to add the item, but waited until late in the meeting. It was about a quarter to midnight when they did that. So she was a bit weary and also a bit of a parliamentarian in terms of procedure. She understands what he is saying, but she thinks they could address that issue about additional minutes. So she was still strongly in favor of suspending the rules to suspend.

Mr. Kamptner pointed out there were a couple of other provisions in there where they get to build into that particular rule a little flexibility. He would be happy to go back and go through those and bring them back to the Commission in a couple of weeks.

Mr. Lafferty suggested that they have a subcommittee to look into our procedures.

Mr. Morris agreed that Mr. Lafferty brought up an excellent point.

Mr. Lafferty said he would tell them why he was doing this as new business. The CCAC drafted by laws last year. It came up at their last meeting that they were supposed to elect officers. It came up that some of the member term limits were up, but they did not have a way of tracking them. Also, they have a rule in the bylaws if a member missed three meetings without an excuse you are dismissed. It turns out that they need to go back and reread the whole thing because theoretically the Board of Supervisors took an action in January which makes it if anyone comes up for reappointment they have to publicly advertise that and that person can also apply for it. So they are left in a situation that somebody may be elected Chair and comes up for reappointment and does not get reappointed. So it makes it kind of awkward. They are going to put together a committee to review that.

Mr. Morris noted they are looking at rules and procedures. He was aware of how most organization must go about amending in any manner, shape or form by laws. He asked does the same thing apply to the Commission when we want to take a good hard look at our rules and procedures, make any recommended changes and bring it back to the entire Commission. That is the way they would normally handle by laws. He asked if this is something the Commission feels they ought to do. There are a lot of things in the rules and procedures that he thinks can just be brought up to date. For instance, changing Chairman to Chair is one simple change. They could do a lot of that if the Commission desires in connection with Mr. Cilimberg and Mr. Kamptner. He noted as a matter of procedure our Rules and Procedures continue on from year to year. He asked do they still need to approve these and then modify them or do they table this until they modify, bring it back and then approve or disapprove.

Mr. Kamptner suggested tabling this making it clear that the current rules continue until the Commission acts on the proposed revised Rules.

Mr. Morris agreed that was what he would like to do. He asked if there was any problem with any Commissioner on tabling this until the Subcommittee comes back with a recommendation.

Mr. Randolph said there is one question he thinks should be looked at if paragraph #7 suspension of rules and procedure is omitted from our operating Rules of Procedure. The 8th rule, which states Rules of Procedure not covered by these Rules and Procedure, that any rules of procedure not covered by these rules and procedures shall be governed by the current Roberts Rules of Order. He strongly suspects that Roberts Rules of Order indicates that there will be allowance for suspension of rules of procedure. He is not trying to tied this up into rules of procedure knots, however, let's be very clear that even if they take #7 out as long as paragraph 8 is in there that there could be a situation where in fact Roberts Rules of Order would allow such a vote to take place. He thinks it is important to keep a distinction in mind between this body and the Board of Supervisors with all due respect for the Board of Supervisors. The Board of Supervisors inherited a situation where there was clearly a political vote on a public policy issue. In his three years on this body he has not yet seen a political vote on a policy issue before us. So he thinks the Commission operates with a different kind of spirit

and set of objections. While he appreciates Ms. Firehock's concern he thinks they are a different body. He is anxious to see the Commission take a look at this and bring it back. However, he did want to bring up paragraph 8 which may undo what people are trying to accomplish in paragraph 7.

Mr. Morris suggested the subcommittee be restricted to two people since three would constitute an official meeting. He asked for volunteers to serve on the subcommittee.

Mr. Dotson noted he had an additional topic which he would not go into now. Once they decide who is on the subcommittee he could send the County Attorney's Office and them his comments on deferrals. There are some areas where he thinks there are conflicts or where clarification is needed particularly on deferring matters indefinitely. He won't take the time to go into his comments right now.

Mr. Morris and Ms. Firehock volunteered to serve on the subcommittee.

Mr. Kamptner noted this was something they should be able to do pretty quickly.

Mr. Morris asked if there were any objections. There being no objections, the Planning Commission tabled the Rules and Procedures to the last meeting of the month.

Mr. Cilimberg asked if the Commission needed to take an action.

Mr. Kamptner replied that they could just reach consensus, which they have done.

Mr. Cilimberg noted staff would schedule it for that meeting if it was ready to go.

In summary, due to concerns raised to bring the Rules and Procedure up to date, it was the consensus of the Planning Commission to establish a subcommittee consisting of Ms. Firehock and Mr. Morris to work with Mr. Cilimberg and Mr. Kamptner on changes. Any changes will be brought back to the Commission hopefully by the end of the month for review and adoption.

Committee Assignments & Reports:

Mr. Morris noted they have a list of committee assignments. He asked if any Commissioner had any problems as to current committees that they are on or would like to modify those.

Mr. Lafferty noted Places29 is in a transition right now and it may be split up into several different groups.

Mr. Morris noted that they really don't know on that one.

Mr. Dotson suggested on that one they defer action until they know what the new structure is.

Mr. Cilimberg pointed out they were not acting, but just acknowledging that the committee membership is acceptable to them and if they need to make a modification they can make them during the year. It is good for us to have a contact until changes have occurred.

Mr. Lafferty said that Mr. Dotson had been serving with him on Places29 and that has worked out well. He would like to see Mr. Dotson's name added to the Places29 Committee, too.

Mr. Cilimberg noted that they would add Mr. Dotson to the Places29 Committee.

Mr. Morris said he heard no objection to the current committee assignments. So they will stand as modified with the addition of Mr. Dotson to Places29 Committee.

It was consensus of the Planning Commission the Committee Membership will remain as is for 2015 with the addition of Mr. Dotson to the Places29 Citizen's Advisory Council.

Mr. Morris invited committee reports.

The following committee reports were provided by Commission members:

Mr. Lafferty reported the following:

- CTAC met last week and discussed surplus dollars that might be used to fund additional projects in the MPO's Long Range Transportation Plan, creation of a transportation academy in conjunction with TJPDC and the TJPDC and MPO work programs for the next year.
- The PACCTECH cancelled its January 15th meeting. The next meeting will be in April 16th.

Mr. Dotson reported the County has received a grant for the coming year of $287,000 from VDACS as part of their Virginia farmland preservation fund to fund ACE acquisitions.

Ms. Firehock reported the National Heritage Committee will be making a request for funding additional staff support to the Board of Supervisors.

Mr. Randolph reported the following:

- Monticello is concerned about a discharge permit application with the DEQ for a use in Hunter's Hall on US 250 East. Hopefully there will be an informational meeting set up soon for all interests.
- The Solid Waste Task Force is developing a RFP for some expertise that may be provided through the UVA or VA Tech to assist with the siting process for potential recycling centers.

Mr. Morris reported the Rivanna River Corridor Committee met and discussed economic development considerations. They will meet on a monthly basis through May and have targeted June to hold a meeting to receive public input.

Mr. Keller reported the Fiscal Impact Committee met and continued its consideration of the Cash Proffer Policy.

The meeting moved to the next agenda item.

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – January 7, 2015

Mr. Cilimberg reviewed the actions taken on January 7, 2015 by the Board of Supervisors.

Consent Agenda:

a. **Approval of Minutes**: August 19, 2014

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

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

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

Mr. Morris said the consent agenda was approved.

Public Hearing Items

a. **SP-2014-00018 Maxwell Boat Dock**
PROJECT: SP201400018 Maxwell Boat Dock
MAGISTERIAL DISTRICT: Jack Jouett
TAX MAP/PARCEL: 04500-00-00-00400, 04500-00-00-004A0
LOCATION: 432 Woodlands Rd.
PROPOSAL: Private floating dock on South Fork Rivanna Reservoir
PETITION: Water related uses such as boat docks and canoe liveries under Section 22.2.2.10 of zoning ordinance. No dwelling units proposed.
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). FH Flood Hazard – Overlay to provide safety and protection from flooding. Water related uses such as boat docks and canoe liveries (30.3.11).
COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
(Scott Clark)

Scott Clark presented a PowerPoint presentation for SP-2014-00018 Maxwell Boat Dock.

A special use permit is being requested in accordance with Section 30.3.11 of the Zoning Ordinance, to allow a private boat dock in the Flood Hazard Overlay zoning district on two parcels. The floating dock would be built in three sections, with a total area of 144 square feet. No structure would connect the floating dock to the bottom of the reservoir--the dock would be anchored to the shore by two 6'x6' posts. There is a small stream valley that goes down to the reservoir. The mouth of that is not really a stream but more of a gully. In the contour lines you can see there is a path running down that way.

The design has been approved by the Rivanna Water & Sewer Authority, which manages the reservoir and has detailed design requirements for boat docks in the reservoir. The design and dimensions of the dock have already been approved by the Authority.

- Dock is for private use,
- No lighting is proposed,
- No significant impacts on adjacent properties or the reservoir,
- Consistency with the Comprehensive Plan,
    - The Natural Resources and Cultural Assets chapter of the Comprehensive Plan contains the following objective for the recreational use of water supply areas:
        "Allow and manage recreational uses of drinking water reservoirs and adjacent public land only as incidental uses to the primary function of water supply and

in such a manner as to prevent cumulative impacts that may impair the primary function."

- This request is for a low-impact use that is incidental to the water-supply function of the reservoir, and that poses no threat to public health.

Staff has identified the following factors favorable to this application:

1. No direct impact to the water supply or neighboring properties is expected as a result of this special use permit.
2. No increase in flood levels will result from installation of a dock. It is a floating dock and will move with the level of the reservoir.
3. The proposed dock is supported by the City of Charlottesville Department of Public Works, and meets the requirements of the Rivanna Water and Sewer Authority for residential boat docks.

Staff has identified the following factors unfavorable to this application:

1. If a significant number of these requests are approved, the resulting proliferation of boat docks could impair the primary function of the Reservoir as a drinking water supply.

This is about the fifth request over the entire reservoir. The last request was in 2009. So there has not been a rapid increase in the number of docks.

Staff recommends approval of SP-2014-00018 Maxwell Boat Dock subject to the conditions recommended by staff and listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Randolph said his understanding is in this body of water there is a prohibition against any motors.

Mr. Clark replied yes, except for motorized boats run by State Agencies for official purposes.

Mr. Randolph asked if water quality does deteriorate in the future how is the county going to be able to differentiate between the upstream pollution. He asked if normally one of the conservation organizations, like the RCA, are testing water quality as it comes into the South Reservoir. Then they would know the level of the water coming in. Then if they also test it as it leaves they would have those two measurements to go by to keep a handle on the level of pollution potentially that could develop in this body of water with time.

Mr. Clark replied that he was sure they do have some programs. However, he did not know exactly what testing programs they have in place. The main impacts for the reservoir have to do with siltation and non-point run off. The difference between the main problems for the reservoir versus these docks would be with the materials that are in them since the materials could potentially be a problem for the reservoir. However, Rivanna has standards for the materials they will allow, which is how they address minimizing the impacts of the docks themselves. In addition, the design of the floating docks if they do break or there is a problem they are usually removed from the reservoir. He thinks most of the pollutions impacts that are coming into the reservoir are not related to uses like docks, but related to larger scale nonpoint source problems.

Mr. Randolph expressed a concern about an increase in the number of docks requested in the future, the potential pollution, and the need for testing the water quality. In the future it would be easy from a regulatory standpoint to say it is the proliferation of docks that are directly related to the increased pollution in the South Rivanna Reservoir. So what they need to do as a county is put a cap on the number of docks. He did not have a problem with the application, but it is just looking down the line at accretion over time of additional docks. It might be an excellent idea for the county to actually have a discussion with the Rivanna Conservation Society because they are doing water quality testing along the reach of the Rivanna River both the South and the North Fork to see if they could actually test water as it is coming in directly to the reservoir from the major tributary of the Rivanna and then also test as it is leaving so that they have a way of assessing this over time so that in fact they can't turn around as a county in 10 to 15 years and say it is the docks that have done it. It may be because of the expansion of humans recreationally using this body of water that has caused pollution problems when they may have nothing to do with it. The other side of things is they have more recreationalists who could be doing things that they should not be doing. This is just a concern and suggestion about pollution and testing.

Mr. Lafferty said he would like to see the condition that if the dock is broken up or abandoned that the owner be responsible for removing it.

Mr. Clark replied that may be part of the dock agreement.

Mr. Benish pointed out that he was pretty sure that was part of the dock agreement. .

Mr. Kamptner noted that was part of the agreement with the Water and Sewer Authority. These kinds of applications are kind of unique because the county has a number of regulations in a non-zoning chapter of the County Code that puts a lot of restrictions on the activities that can take place. The boat dock requires a separate permit from the Water and Sewer Authority and they can impose conditions. The burden of monitoring the quality of the water in the reservoir is pretty much put on the Rivanna Water and Sewer Authority (RWSA).

Mr. Benish said he was pretty sure that is covered, but the applicant might know from looking at the permit and maybe able to answer that.

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

J.T. Maxwell, owner and applicant, said he recently bought this piece of land and the environment was one of the reasons why they wanted to live there. The questions that have been brought up are very much in keeping with his philosophy on life in what they want to do when they are there. So it is real important. To answer the question about the dock, there is a permit required by the RWSA. The RWSA inspects the dock every year. He does not remember the language, but he thinks it is a part of the approval process. If there is a problem with it, the owner has to take care of it. The focus is to be able to enjoy the surroundings in a safe manner. Right now it is hard to get the kayaks into the water, and the dock will help do it in a safe manner. The big dock at the University of Virginia is very low profile. Our goal is to keep the serenity of the area so that when somebody is out on the water that even if they are only a couple hundred yards away they really won't see the dock because of its low profile.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked if the RWSA has a requirement in the event of dredging.

Mr. Maxwell replied that he had not seen anything about that. But, that is a good point. His neighbors who have been there a number of years were talking about how they have noticed the silt building up. It does not seem like it is much of a topic now, but the dredging could happen at some point and there might need to be some temporary remediation if that happened. He does not remember seeing anything in the RWSA plans. However, the RWSA and the City own the land and so they obviously could come to us at any time and say they need to do this and that is a part of the permit.

Mr. Clark pointed out paragraph 7 of the agreement actually says the use of the dock cannot interfere with the operation of the reservoir, and if the Authority needs to they can temporarily shut down the use of the dock while they are carrying out work in the reservoir as needed for safety purposes.

Mr. Keller said the owner showed 22' of length into the water with some of that spanning land into the water. He asked if he was just going to be doing canoes and kayaks why does he need to go so far.

Mr. Maxwell replied the first number of feet is real shallow water. So what they don't want to do is create a situation when you are getting in and out you are mucking up the water. You have to trudge onto the land for a few feet. Some of kayaks they have are pretty long. The other thing is in designing it they have to go with the floats that are available. There are certain sizes of floats that are available. That was just like fitting the puzzle together to fit it together. One of his kayaks was 17' long.

Mr. Lafferty asked if the floats are made out of a Styrofoam.

Mr. Maxwell replied that certain plastics are very specifically in the RWSA standards so that it does not leach any chemicals. It is a very specific type of wood that needs to be used; very specific types of couplings and aluminum so it does not rust; and the plastic does not deteriorate. Hopefully, it will be there for a long time without leaching and affecting the water quality and deteriorating.

Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP-2014-00018 Maxwell Boat Dock subject to the conditions as recommended by staff.

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

Mr. Morris noted that SP-2014-00018 Maxwell Boat Dock would be forwarded to the Board of Supervisors with the recommendation for approval on a date to be determined with the following conditions.

1. There shall be no lighting within 25 horizontal feet of the Reservoir, measured from the elevation of normal pool, which is Elevation 382 (North American Vertical Datum of 1988).

2. There shall be no removal of vegetation or earth disturbance with the 200-foot stream buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 391.
3. Structures and improvements located in the two hundred (200)-foot stream buffer shall be limited to those shown on the Maxwell Dock Plan, dated 10/21/2014, and a storage rack for kayaks and canoes. There shall be no other structures, such as decking or stairs, constructed in the 200-foot stream buffer.

b. **ZMA-2014-0004 Old Trail Village**
PROJECT: ZMA201400004 Old Trail Village
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 055E00100000A1; 055E00100000A2; 055E00100000A3; 055E00100000A4; 055E00100000A5
LOCATION: Old Trail Drive and Rockfish Gap Turnpike (Route 250)
PROPOSAL: To amend Code of Development to add carriage houses as a use for approved ZMA200400024 (Old Trail NMD). No change to density is proposed.
PETITION: Request to amend Code of Development for ZMA200400024 to allow carriage houses as a use on property zoned Neighborhood Model District (NMD) which allows residential mixed with commercial, service and industrial uses at a density of 3-34 units/acre.
OVERLAY DISTRICT: Entrance Cooridor (EC); Flood Hazard (FH); Steep Slopes (SS); Scenic Byways (SB)
PROFFERS: Yes
COMPREHENSIVE PLAN: Greenspace; Mixed Use- residential (18 units per acre maximum), commercial, and office uses; Neighborhood Density Residential- 3-6 units/acre; supporting uses such as religious instituitions, schools and other small scale non-residential uses; Urban Density Residential- 6-12 units/acre; supporting uses such as religious instiutions, schools, commercial, office and service uses.
(Megan Yaniglos)

Megan Yaniglos presented a PowerPoint presentation to summarize the staff report for ZMA-2014-0004 Old Trail Village.

Proposal:
- The request is to amend the Code of Development and proffers to include carriage houses as an allowable use for approved ZMA2004-024
- The carriage house use is requested for those blocks that have not been developed to date which include blocks 5, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 30, 31, 32, 33, and 34.
- The carriage house units will be only permitted on a single family residential lot. Typically these are apartments above a garage. They have carriage house units in Belvedere at the moment. Also Cascadia, which has not been fully developed, allows carriage house units.

Old Trail is located off of Route 250. In the presentation highlighted on the rezoning application plan are the blocks that are asking for this new use.

Summary:
Factors Favorable:
- The rezoning amendment is consistent with the Crozet Master Plan.

- The addition of carriage houses as an allowable use provides a variety of residential unit types.
- Accessory attached units are currently an allowed use within Old Trail Village, NMD, and this amendment would allow that use to be detached from the main unit.

Factors Unfavorable:
- None Identified

Staff recommends approval of ZMA-2014-004 Old Trail Village, with the amended Code of Development (inclusive of addendum as provided in the staff report) and provided technical revisions are made to the revised proffers prior to the Board of Supervisors meeting.

Mr. Morris invited questions for staff.

Mr. Loach asked on the carriage house itself will that count as part of their 15% of affordable housing.

Ms. Yaniglos replied yes, they did amend their proffers to have carriage houses as one of the unit types for affordable housing.

Mr. Loach said he noticed the parking, and if it is three parking spaces off-site off the road.

Ms. Yaniglos replied yes.

Mr. Loach asked if that was enough parking in her estimation. He thought most people in a single-family house are going to have two parking spaces, which means there would be one space left for the apartment.

Ms. Yaniglos replied she would let the developer answer that question. However, her understanding is it will be one bedroom apartments or one person living in them. One space would be required under the ordinance so that they are providing that one space.

Mr. Keller said he had a number of comments.

Ms. Firehock said the potential motion A says move to recommend with the technical and grammatical changes to the proffers as recommended by staff. She found some grammatical concerns with the proffers, but did not know what the staff recommended since it was not included.

Ms. Yaniglos replied they are from Mr. Kamptner's comments, which are minimal comments the applicant needs to address. Therefore, she did not think it was necessary to include them since they are minor.

Ms. Firehock noted she would save those questions for the applicant.

Mr. Randolph said on page 2 under the specifics of proposal in the third boldface from the bottom staff indicates the allowable overall density of Old Trail Village will not change, but she does not tell them what the allowable overall density of OTV is. He asked what that is.

Ms. Yaniglos replied it is 1,600 to 2,200 units.

Mr. Randolph asked if those are livable units.

Ms. Yaniglos replied yes.

Mr. Randolph said on page 3 under streets it says the units to be accessed from the rear of the property. He asked if the rear of the property will be accessed by what is defined in here as alleys.

Ms. Yaniglos replied it would be the alley or a private street.

Mr. Randolph said when an alley expands to 20' so that a fire vehicle can access it is it still an alley.

Ms. Yaniglos replied yes.

Mr. Randolph asked if it was because one calls it an alley.

Ms. Yaniglos replied it was because it is not curb and gutter, sidewalks, or named a private street as defined in the ordinance.

Mr. Randolph asked do we have streets in the county that are 20' and don't have sidewalks and curbs on them that they call streets.

Ms. Yaniglos replied yes, actually it is in Old Trail Village where they have asked for a waiver of those requirements because they needed frontage for the lots. When the lots front on a green or open space amenity area but they gain their technical frontage from a private street that is in the rear of the lot it does not have curb and gutter, sidewalks and street trees.

Mr. Randolph said that is helpful to know. He appreciates that definition. On B2 under C. proposal description it says however, the Code of Development and proffers do not allow the construction of accessory apartments as a component of a detached structure located on the same parcel as the single family residence. He asked staff to explain the rationale for why that is in the Code of Development and why it has been standard operating procedure for the county to not allow the construction of accessory apartments as a component of a detached structure.

Ms. Yaniglos replied the actual definition of an accessory apartment includes that it is within the main dwelling and not detached. So the codes of developments and proffers replicated that definition that is in the zoning ordinance to have the accessory apartments to be contained within a single family dwelling unit only.

Mr. Randolph asked were there no other considerations from the standpoint of the proximity of the detached unit to the primary unit and the implications for two different families living in units so close to each other.

Ms. Yaniglos replied the units still need to adhere to the Building Code requirements as far as fire, safety, and things of that nature. Zoning has determined in the past for these accessory structures that it has to be attached in some way. There have been instances where single-family houses have been proposed and an accessory unit that has been attached by a breezeway, but the physical detachment is a different use and is not defined in the zoning ordinance.

Mr. Randolph asked to go to Attachment C2 under carriage houses in the last section J. It states any single-family dwelling containing a carriage unit shall be provided with a minimum of 3 off-street parking spaces arranged so that each parking space shall have reasonably uninhibited access to the street or alley. He asked is a minimum of 3 units adequate when they are talking about a single-family dwelling in the front and a carriage house in the back. If the single-family dwelling in the front has 2 people living in it, wage earners needing 2 cars, and potentially a teenager thereby an additional car or a mother-in-law, then it would require 3 cars. He asked if the assumption here with the alley and the carriage house is that they are going to have no cars.

Ms. Yaniglos replied no, the carriage house would have one. The developer can explain this. However, the way the carriage houses work at Belvedere is the garage is underneath and the apartment is above. So there would be 2 spaces in the garage for the single-family residence and 1 space off to the side for the accessory apartment or carriage house above the garage. This is what is required in our zoning ordinance right now for parking. If there is a larger discussion of is this sufficient it may not be. Now is the time to have that discussion. But, with the zoning administrator this is adequate parking that is in the zoning ordinance requirements for single-family dwellings.

Mr. Randolph said they are going to assume there is just one car for the carriage house. However, if there is more than one car where are those additional cars going to go but on the 20' alleyway.

Ms. Yaniglos noted there was on-street parking on the public streets as well.

Mr. Benish pointed out there would be parking on one or two sides of the roadways. At build out they are going to have areas that are other parking areas serving commercial areas and other civic spots. So on balance they believe there is space that is going to be provided within the overall development. What does tend to happen, and they have experienced this in Belvedere, is that during development they don't have built out streets with all the parking. There are some side issues with Belvedere that are creating some extra issues. But, during development they can't have without full development some of those on-street spaces and parking spaces in commercial areas and centers that are not going to be available.

Mr. Randolph said he was just concerned because he had an occasion over the holidays to be at a social event in Dunlora and the roads there are a little bit wider than 20', but when they have enough cars parked along the side of the road, even on one side, it can be fairly tight.

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

Valerie Long, with Williams Mullen, said she represented for the applicant, March Mountain Properties, LLC, who are the owners and developers of Old Trail Village. She introduced David Brockman who is the Development Manager for Old Trail Village. Mr. Brockman has been on board for about two years and they have been working very hard on everything at Old Trail. Mr. Brockman has been the driving force behind all of that making a tremendous amount of progress over the years. They also have Leslie Tate who is a land planner with Roudabush, Gale, & Associates, which is the civil engineering and land planning firm that has been working on the project with Mr. Brockman over the past several years. So Ms. Tate has been working with us on a lot of the land use and zoning issues. She thanked Ms. Yaniglos for her explanation.

- In the PowerPoint presentation Ms. Long showed some brief slides to provide some framework and background about Old Trail. This is actually the first of two rezoning applications that they will bring forward for review. This one is very limited in scope, which Ms. Yaniglos has already explained. They have a broader more comprehensive rezoning that they are just about ready to submit next week. Hopefully, it will be before the Commission in a few months. They thought it might be a good opportunity just to show the Commission some of our exhibits as a brief introduction and also to help orient and show what they are talking about so this application makes sense.

- Old Trail as a whole has many components. The Village Center is a portion of Old Trail Village. The original rezoning was done ten years ago in 2005. There were some portions of Old Trail that were already zoned R-6. All of Old Trail was shown in a slide. In the upper left corner of the slide is Creek Side, along with Lower Ballard and Upper Ballard. Those areas were all by-right zoning and zoned R-6. The Village Center area was rezoned in 2005, which is the only portion of the community that our rezoning will apply to. She referred to a map of the Village Center area, which they used for realtors and marketing folks. She then referred to a slightly updated plan which was approved as part of the original rezoning, but maintains all of the original features and elements. She referred to the block plan that was approved as part of the 2005 rezoning. The areas highlighted in green are those that would be subject to this particular carriage house rezoning. The reason it does not include all of the blocks within the Village Center is because some of those are now owned by third parties, the families, the lodges in there and swimming pool. They wanted it not to be retroactive and impact anybody's existing properties. So it only applies to those blocks that the developer still owns. So those are our sites.

- The simple explanation regarding the scope of this application is that it eliminates a distinction between the ability to have a carriage house unit above an attached garage, which is already allowed. They can even have an accessory dwelling unit inside of an attached unit, such as a basement apartment. That has always been allowed under the definition of an accessory unit. The only difference is that this rezoning application would clarify that a carriage house unit is also allowed above a detached garage. She thanked Ms. Yaniglos for her explanation of how it was really the driving force in the definition of accessory unit. To answer Mr. Randolph's question she explained that she was actually involved with the 2005 rezoning and she can tell them there was no discussion at the time about attached versus detached. It was really all about accessory units are good because they help provide affordable housing. They see this change as a way to further that goal of providing additional opportunities for affordable housing. So that is what they are hoping to achieve here.

- She would address some of the questions for Mr. Loach and Mr. Randolph about the parking. One, they are using the standards the zoning ordinance requires. However, there were a few other things they want to clarify. As Mr. Benish mentioned, there was also parking on the street. Mr. Benish has been working very carefully to make sure that all of the new roads within the Village Center are actually built a little bit wider than some of the first roads to accommodate parking on both sides of the streets as well as sidewalks. So the roads are wider now and there is ample parking on the streets. Finally, again these units are intended to be for affordable housing purposes. So it is hoped, particularly as some of the commercial space develops that they will be particularly attractive to lower income folks who might be working or employed by some of the businesses in the commercial areas such that they might not need a vehicle.

They would be able to work at one of the commercial businesses and not worry about needing a vehicle because they could walk right to their carriage house apartment in the neighborhood. She would be happy to answer questions.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked would this allow someone to have an accessory unit both over the garage and as part. So it is one of the other, but not both.

Ms. Long replied that is correct. In the attachment that is the addendum to the Code it says not more than one carriage unit is permitted per detached family dwelling. But, she thinks it also says that you can't have more than one accessory unit per dwelling unit.

Mr. Dotson pointed out he did not see it, but was guessing that was the case. He finds it very confusing and understands that this will not change the cap of 1,600 to 2,200 units yet there is reference to increasing the density and the term additional is used several times. He finds it very confusing and asked if she could give him the simple version

Ms. Long replied yes, she would try because his confusion is warranted because there was an error in the original Code of Development. There is a table in the original Code that talks about the density permitted for each and every block, and it varies. Then there is a footnote at the bottom of that chart. For example, most of them allow either 6.5 dwelling units per acre or 8.5. Then there is a footnote at the bottom of that chart that says in addition any blocks with accessory units shall have 6.5 dwelling units per acre. So it might have said for block 23 you can have 6.5 dwelling units per acre. Then the footnote said in addition. The footnote was intended to say you get additional density for a block that has carriage house units. Because a carriage house unit is a unit and if they have those by definition they add to the density. But, the footnote left the critical work additional out. So it did not make any sense because it said again, using my example, block 23 you can have 6.5 dwelling units per acre. The footnote says in essence in addition for any block that allows accessory units you can have 6.5 dwelling units per acre. It does not make any sense. It was intended to say you can have an additional 6.5 dwelling units per acre because that makes more sense because you would have one additional dwelling unit for each residence within that block that had an accessory unit. What they have done is just clarify that in this addendum.

Mr. Dotson asked if the 1,600 to 2,200 assumes that there will be some accessory units. He said what she is proposing is a technical clarification and not a change in the density.

Ms. Long replied that was exactly right. She misspoke when she said the proffers require a certain number of accessory units. That is not quite accurate. The proffers speak to accessory units. They are limited in the number of overall affordable housing units that can be accessory. Therefore, she asked that they scratch that comment. She agreed Mr. Dotson was right that they are not increasing the overall number of dwelling units permitted within the Village Center. It is currently 2,200 and they are leaving it at that. For what it is worth, they think it is unlikely they will get anywhere near 2,200 at full build-out because they are, among other things, what David Brockman is doing is in response to the market over the past ten years making the lots a little bit larger, and adding much more green space and community space to the Village Center. It is just not enough space for all 2,200 of those units. But, what they did was fix what was to us an obvious error in what was intended. It does not make sense otherwise to say your density can be up to 6.5 dwelling units per acres and you can do accessory units and get the same amount of density. It just does not make sense otherwise. So they just clarified that to say in

theory you could have 1 additional dwelling unit for each single-family house on that block. The chances of them all having carriage house units they think are small. But, they have had a few builders who have had an interest in building detached garages with carriage houses above them. What they learned was technically it is not allowed if it is detached, only if it is attached. They could have built a breezeway and made it work sort of detached, but they did not want to do that. They wanted it to be clear that it was allowed.

Mr. Dotson asked if one of these carriage house units was built and he was looking at it he was assuming he would see about 400 square feet above a two-car garage. He would see kitchen appliances installed, a bathroom and maybe it would be a studio type open space or it might have a walled in bedroom. He asked if it would be a fully capable housing unit. It would not be an unfinished bonus room, but it would be a dwelling unit.

Ms. Long pointed out in order for it to qualify as an accessory unit and thus for it to qualify as an affordable unit so they can meet our affordable housing requirements it would have to be a dwelling unit. Mr. Kamptner can chime in if she missed any of the elements. But, the term dwelling unit is specifically defined in the zoning ordinance to include some of the other things Mr. Dotson mentioned. It has to have living facilities, restroom facilities, cooking facilities, and dining facility. The key is usually does it have a kitchen by having a stove or not. These would have to meet that definition of a dwelling unit in order to count.

Mr. Dotson asked in terms of cash proffers for school projects and park projects he did not see accessory units mentioned there. There is a fee for single-family, townhouses and so forth. He asked would these be contributing units to school projects and park projects.

Ms. Long replied that affordable housing units are generally exempt from the cash proffer requirements. So if they qualify as an affordable unit under the proffers they would not be required to make those cash payments.

Mr. Randolph asked who owns the carriage house.

Ms. Long replied the owner of the single-family dwelling unit would own the garage structure with the dwelling unit above it.

Ms. Firehock said on page 3 under clause H, which Mr. Dotson was just referring to, in the middle of the paragraph it says in addition this additional density allowed with accessory units is consistent with the core of values of new urbanism to incorporate green spaces or parks in some blocks. So they are reducing density to achieve this and transferring that density, etc. She asked Ms. Long if she is definitely saying that there will be lots then undeveloped because they can't go over the density. She asked if that was a given because the development might not develop out to its full density anyway. She asked was this a proffer or a principal. What is this paragraph intending to tell us.

Ms. Long said what they were trying to say she would answer by referring to a slide, which was a good example. This is, again, a slightly modified plan from the approved master plan. They are going through and amending this plan kind of on a block by block basis as part of subdivision plats. One of the things Mr. Brockman identified when he came on board was that the original zoning block plan had almost no green space in the areas. There is obviously a very large park that has land already dedicated to the county and hopefully one day will be developed as a full county park. Right now it is really just open space. Other than that park there was very little green space within the area. It is a very tight urban development. When

they had the first set of very small blocks of houses built, which was about five in the Village Center, they did not sell very well. It was because the lots were so small and they were finding that people really wanted a little bit more. Once Mr. Brockman came on board in his years of experience and developing similar communities all around the country and the world he realized that one of the first things that they needed was more open space. So they hired Nelson Wolfe Landscape Architects to come up with a plan. Among other things they have included a number of linear parks throughout the area. An example is in the slide presentation that shows an area that is all green space on the new plan. There is another one that spans three or four blocks. Those did not exist on the original plan. They are there now and the one shown on the right is being developed and it has been an incredible amenity to that area. But, as a result those areas used to be lots in essence. They are now additional green space, which means by definition there is less space for lots. They are making the lots larger now. So they can have slightly larger houses and still have a little bit of your own lot left and have a little bit more space between homes. It is still very dense. But, by definition that means less density. In addition, the original plan had a lot more apartment units in it than they think there is a market for. There will definitely be multi-family apartments, but probably not to the extent that was originally envisioned.

Ms. Firehock said her next question is on the next page. This goes a little bit to what Mr. Randolph was talking about. These are obviously all affordable rental units. On top of page 4 it says the proposal will provide affordable housing units in a higher income neighborhood. She was just wondering what sort of market analysis they have done to support that. If she put a cynical twist on it she would say that the accessory apartments would be inhabited by college aged students who could not get jobs, whomever or grandma if she can walk the steps to the top. She was just not convinced and would like to hear a little bit more about that you know that these higher income families living in the main house will indeed want to rent out their units and that really happens. She guessed what is the example or corollary.

Ms. Long replied that it is hard to know for sure and they certainly can't make any of the owners of the houses rent them out for affordable units. But, for one thing the proffers do require that 15% of the dwelling units of the entire village be affordable. So they have to meet that goal. So part of this rezoning is to make that process a little bit easier by adding just one more type of dwelling unit that would count as an affordable unit. There is a large area of commercial. If they have been out to the Village Center above Trailside Coffee, DeLucas and ACAC those are all apartments. Some of them are studio apartments. Some of them are one-bedroom. Some of them count as affordable units. She asked Mr. Brockman to tell her if she was wrong, but she thinks all of those are booked up and leased. She lived there for a while. She moved to Old Trail. She told everyone when she helped with the original rezoning in 2005, but it just took a while to convince her husband to move out there. They lived in the apartments for ten months while they built a new house. They obviously did not count as affordable. But, it was really hard to get in there because there are not any other options certainly in Old Trail and very few other options within Crozet. So there is a continuing demand for there are a lot of seniors who live in those units. There are some folks that like it. She knows one woman who lived down the hall and has lived there for years. She is elderly and just loves living in the apartment. She was not ready for the lodge, but she did not want to deal with any maintenance. She did not want to rent a townhouse since she did not need it. The apartments work great for her. She has talked to her about these carriage house units and she says that is exactly what she wants since she needs less space than she has and that would be even more affordable. So they don't have hard market data, but there are definite examples of demand and interest. These are the types of units that in working with Ron White, the County Housing Director, he particularly likes because it uses the term affordable based on their size as opposed to their rent. They can only

rent an accessory unit like this for so much because it is so small. It is roughly a 400 square foot apartment. So that helped keep them affordable. Whereby contrast one of the continuing challenges they have with affordable housing proffers is how to ensure that this unit stays affordable, especially if it is a for sale unit. But even though rental units the proffers have all sorts of language about how long you have to keep them affordable and sometimes it is 5 years and sometimes it is 10. But, these types of units are so small that they are always going to roughly be affordable for folks. So they hope that as more of them are built and available that more qualifying affordable families will have the opportunity to live there.

Ms. Firehock said she appreciates the response, but still is not convinced that they will be rented out to people who are not somehow associated with the family that is living there. Some will, but in thinking about the location and income levels of folks who tend to buy and build houses in Old Trail she questioned it.

Ms. Long pointed out part of it is to increase that diversity. Again, one of the goals of the neighborhood is to have a variety of housing types and this is yet again another type. In order to have it not be just all upper middle income families they really want a variety there. But, they have to be able to create those dwelling units first in order to even attract them. So they see this as the first step of hopefully if they build it folks will come. But, certainly there is no guarantee.

Ms. Firehock suggested if possible maybe 5 or 10 years from now she can come back and tell us how that worked out. She asked Ms. Long for her help as an attorney in interpreting what a sentence means. She has read the sentence over and over and just cannot unpack it. In the proffer statement attachment D, on page 2 at the top of the page the last sentence in that paragraph is 97 words. It begins with notwithstanding the foregoing whoever the owner may carry over her bank credits for affordable units in the event the individual subdivision, plat or site plan designates affordable units that in the aggregate exceeds the 15% minimum for such subdivision plat or site plan and such additional affordable units may be allocated towards the 15% minimum on any future subdivision plat or site plan provided however that the maximum number of those affordable units that may be carried over a bank shall not exceed 15% of the total units on any subdivision plat or site plan. She asked what this is trying to say.

Ms. Long noted that she most likely wrote that language with Mr. Kamptner ten years ago.

Mr. Kamptner noted it was developer requested language.

Ms. Long asked to explain since it is actually a really easy explanation. With the affordable housing requirements the basic rule for a rezoning that includes residential units is that 15% of the units must be affordable. By way of background Old Trail Village was actually if it was not the first rezoning that was subject to that policy it was one of the first. She would start by saying that all of these rules and procedures they were literally figuring them out as they were working on the rezoning and writing the proffers. Ms. Grant and Mr. Kamptner worked with us on the original rezoning since they did not have anything to start with. They had to sit down and create the affordable housing proffers as they went. They are now sort of the standard form. This is a little bit different because they have evolved since then a little bit. However, part of the goal of this provision among other things particularly at the time Old Trail was first reviewed and approved was the strong desire that affordable housing be disbursed within a community and not all located in one area. So there was a request that the proffers require not only15% of all of the units within the community, but that you spread those out. The way they figured out to do it was by including the proffer provision that said with each subdivision or site plan that came in

15% of the units on each site plan or subdivision plat would be affordable. It was in there. But, then they realized what if they have a block where you have 20% of the units that are affordable, do you lose that 5% or could you have a block where you have 20% affordable units in one block and 10% affordable on the block next door. Sure, as long as you reasonably disburse them. So that language that Ms. Firehock read is what they call the banking provision or the carry over provision. So this language prior to that says in essence you have to have 15% of each plat and plan; however, you can bank them. You can carry over credits. So using her example, if you have a block that had 20% of the units on that plat was affordable you can carry over that 5% credit to your next plat. You just have to maintain a running tally on your site plans and subdivision plats to demonstrate that you are always at the 15% requirement. So that is a long winded way of explaining it, but that is what that means. She asked if that helped. She offered to give another example. At one point there was a proposed developer that was going to build a single apartment building with all affordable units right in the Village Center. It was going to be a great project and was something they wanted to be able to do. It was going to be really hard to comply with that. But, they could have at least sort of carried over and banked up a bunch of those. But, that is what it is intended to do is provide a little bit of flexibility to say they can carry over some credits, but it caps them. You cannot carry over or bank more than 15%.

Mr. Lafferty asked how many units in Old Trail as it presently stands are affordable.

Mr. David Brockman, Development Manager of Old Trail, said he believes they have currently built about 10 or 12 affordable units. They have planned and platted for a number of more which could be up into the 20 or so range. The challenge has been in trying to bring builders in that can find an economic way to build those. So they have been working with Ron White and the county in trying to find ways that they can stimulate affordable growth and affordable development. So this is kind of one of the other ways that they have looked at that.

Mr. Lafferty noted that all of these are affordable rental units and they won't be for sale. He asked how they can tell an owner of one of these units that they have to rent them out at an affordable price.

Ms. Long replied that was somewhat what she was mentioning earlier. Someone might try to rent them for $3,000 a month, but no one is going to pay that under a market rate for something so small. So that helps keeps them affordable. But, there is also language in the proffers that regulates how the affordable units are priced and what their rental rates are. She will spare them the details, but there is a whole paragraph that talks about the rent rate shall not exceed the then current and applicable maximum net rent rate approved by the County Housing Office. So in order for the developers to obtain credit for these units as affordable units they have to comply with the proffer guidelines.

Mr. Lafferty asked does that definition define affordable.

Ms. Long pointed out Mr. Brockman was telling her they would not apply for these.

Mr. David Brockman said he would stick around so he could answer questions, too. There are two different categories of rentals that quality for affordable. A rental within an apartment building does need to adhere to what is a HUD standard for affordable rates. That is a posted rate that the county also uses for all their affordable products. You go through a qualification process. They have to submit income qualification, salary and other things to qualify in our apartment building. They were able to do that. They did that for the past five years. Again,

going back to what Ron White brought up and what they have worked with him on. Let's say for simple math apartments rent for about $1 a square foot. Generally, you cannot get much more than that for rentals. So by square footage size, as was mentioned earlier by Mr. Dotson, the carriage units are only going to be about 400 to 500 square feet. That is about the biggest you can put on top of a garage. So by virtue of that adding the market rate of $1 or so per square foot or even $1.50 a square foot you are in an affordable range. A one-bedroom apartment under current HUD standards rents for $820 a month. You could not get more than $600 for something like this. So you are even below affordable standards under a normal market rate apartment. One of the reasons this has become very desirable in what they have heard in the county is because they have been successful at capping rental rates and not having them get too high so that for the life of the product it is always there as affordable. So even if, for instance, they don't get rented 10 or 20 years from now they are still an affordable apartment. So they never go away as an affordable apartment. So the law of averages over 20 years if they can rent them for 10 of those years and 10 of those years the units were used for a homeowner's son or grandmother to live in, that even those are affordable needs. But, by virtue of offering affordable to the market the law of averages will hopefully bring that to the market more often than it would if it was not there. So that is why it is difficult to do market studies and other types of things. They are looking at a lifetime law of averages as opposed to the next five years of demand studies. They just don't have those kinds of market data out there. He hoped that that will tread some light.

Mr. Loach pointed out he looks at this from a different perspective. One is from the Neighborhood Model. As far as Old Trail this completes a variety of housing types that they have been building with a wide range of costs. So they would now have affordable housing with two million dollar homes in the same development, which he did not think they are going to find anyplace in Albemarle County. He would go on record to say as far as the 15% to him it is a joke. As they know they have been sitting around approving development after development where the developer has just paid the 15 percent, whereas he has just paid his way out of providing affordable housing. From the community's perspective rental units are one of the things that they do need in Crozet. They are very hard to find in Crozet; especially with this type of unit for our young people just getting started off. For the community he thinks this is a good thing. As for Old Trail, they have a strong neighborhood association. When he attended the community meeting when Mr. Brockman presented this to all the neighbors he thinks there was some apprehension, but he thinks there was support for it. He thinks if there is a parking problem that Mr. Brockman will hear about it pretty quick and it will be up to them to solve it. Again, he thinks this is good for the community.

Mr. Keller said he thinks he has done a great job with his fellow Commissioners in asking the questions and you all responding. He thinks that it really shows as well as this dream in this system is working that there are a lot of issues that need to be discussed on the housing front. He was going to introduce under new business some suggestions for pieces that he thinks really have been spotlighted by this kind of case study that he is providing us with. He would hope that they would have an opportunity for dialogue and that then maybe folks could come back not from Old Trail but from the experiences that you have had. He particularly appreciated the discussion about market rate for housing. He heard an interesting radio show talking about that and how a lot of that is just being proven completely invalid as the housing market has closed down the rental market is going up and the real issues for people who need affordable housing getting it. They all know that this is really not going to be an answer on the true affordable housing level. Some units yes, but across the board no. Serving on the Fiscal Impact Committee and in these discussions of proffers and seeing that the developments are not being built out anywhere near what the initial plans are showing and therefore the incomes that are

coming for the proffers to the county are diminished. There are just a lot of issues here with the shared economy. One of the pieces in the draft Comprehensive Plan is to encourage more ancillary buildings for exactly the kind of purposes that they are all talking about and yet they are seeing all over the country that folks are able to get 3 times the amount renting the supposedly affordable rental units that way over weekends. When they think of Old Trail and its proximity to national parks and national forest he thinks that besides the family membership. So he thinks that there will be a great deal of diversity here, but not again what was really envisioned. He thinks they need to think about these things and not hold these folks hostage with it. He certainly agrees with the density. He agrees that the improvements they are talking about are significant in this case. He thanked the applicants for their candor in the answers.

Mr. Dotson asked one last question about Attachment D on page 3. There is a paragraph reporting rental rates. He guessed Mr. Brockman said there are two kinds of rental units. Would the rental rates for these carriage house/accessory units be reported under this paragraph? If so, as a source of data that over a few years they would actually be able to find out how many there are. He shares his skepticism. If he owned a unit it would be my home office. However, maybe in ten years he would be happy to have some additional income.

Mr. Brockman replied again, it kind of is over the life of it, which would be difficult to track. He thinks it will have different phases. At times it will be a home office. At times it will be a rental. He thinks that is what the appeal of it is. So it is a desirable way to kind of maintain your house over life as you age and can use it for different versatilities.

Mr. Dotson asked does this paragraph apply.

Mr. Brockman replied because again the way the county originally established these accessory units he believes that is consistent throughout the county that those automatically qualify for affordable and are not reported individually. So it would not fall within that sort of qualified category.

Mr. Dotson said this refers to apartment buildings.

Mr. Brockman agreed that is correct that this refers to apartment buildings.

Mr. Dotson said that was too bad.

Mr. Keller asked if he had the magic wand and could make the adjacent auxiliary structure rental unit be up or below would he like that option. When he thinks about the aging boomer population and having friends who bought a house with a mother-in-law apartment above the garage and the mother-in-law broke her hip it does not work very well as a mother-in-law apartment.

Mr. Brockman agreed that is true. However, our Code of Development allows for that accessory unit in the basement and in other ways. It allows for it in an attached. So those are currently in place for Old Trail right now. For multiple reasons they wanted to add the category of a detached carriage unit. You can't have them both. For example, you can't rent the basement and rent the apartment over the garage. You would only be able to pick one of the two. So the option is available to us to offer that versatility throughout the community. Personally, he wanted to have the detached because he believed when it was attached to the house it is a lot more likely to become the home office and not the apartment. He preferred to have it detached because he believes he has a better chance of it becoming an apartment as a detached unit.

So that was the other reason they kind of pushed for that. They felt that was a better option for that carriage unit.

Mr. Firehock said when they are getting ready to build the lot the person chooses that they want the one with the carriage house or they do not.

Mr. Brockman replied that was right. Under this scenario they would have say, for instance, a block of 18 house and they would not do them all as carriage units. They would only offer potentially in this case that they started this they wanted only about half of them to be carriage units. So, yes someone could go in and say they like that house, but would rather have it with the carriage unit. So they would have that availability through the builder.

Ms. Firehock said similarly if she was the neighbor next door and she picked one because she knew the one next door did not have a carriage unit and she liked the view and did not want it objected, and then her neighbor next door could not come in later and say they would like to add the carriage house option. Could they stick carriage houses in later if they were not originally there?

Mr. Brockman yes, he believed they could. It would actually be a zoning application they would have to make to the county. Our specific desire to do them is to limit it to within the 15% so they would only be orchestrating those to be built through builders on a set number of them. But, yes it could be something someone could come later and ask.

Ms. Firehock asked if every lot could have a carriage house built in the back yard.

Mr. Brockman pointed out if someone wanted to construct the carriage house unit they would have to get a building permit.

Ms. Firehock said anyone who was buying into this, let's say that you only have 5 units out of 15 with carriage units, but everyone who would buy a house would be appraised and every single backyard could be carriage houses if the owners so chooses. The person buying the house would be informed of that.

Ms. Firehock asked if they approved this tonight could every single backyard have a carriage house. Then would the people buying the house without carriage houses in their backyard or their neighbor's backyard be apprised that all of the backyards could be filled with carriage houses.

Mr. Brockman replied under current zoning they could come and build that over their garage today without any action done today. The only difference is that what they would be approving or agreeing to is allowing them to do it in a detached garage as opposed to an attached garage. They can actually go there today and do it right now. Anybody can do it today as long as they get a proper permit. They can put the unit in their basement or over the garage as long as there is some sort of attachment to the main house. The only difference is that our lots are so small; quite frankly, they are about 40' X 90'. So they get a little 4' space between the garage and the house. Well under current Code and zoning there is going to be walls in that little 4' space. If they agree today they will take those walls away from that 4' space. That is all they are really talking about today.

Ms. Firehock said he was saying that there is not that much difference in terms of the backyards.

Ms. Long said it was a good thing to make that point. That is what it is really all about. It is a simple distinction or an arbitrary distinction. They can do it right now as long as it is attached. Even if it looks detached but is technically attached, they can still do it. This just eliminates that arbitrary distinction and says you can do them in a detached garage as well. For what it is worth, Mr. Brockman works hard in the homeowner's association to make sure all of our residents in all of our community meetings are aware of these things. They talk all the time that they moved here to Old Trail for a reason, this is a different community. This is not Dunlora, Glenmore or Forest Lakes. It is different. Not that everybody who moves to the neighborhood understands all the nuances. But, they generally do. They work hard to cultivate that this is a different community and they are all here for a reason and it is a good thing As Mr. Loach said, generally, since not everybody agrees about everything, but they do work hard to communicate the differences and the unique characteristics about the neighborhood to everybody all of the time.

Mr. Randolph said his one final point is he works with Habitat and affordability is something that is really important. He has to say that despite Mr. Loach's optimism and the optimism of the community he has to echo Ms. Firehock and Mr. Keller, and what Mr. Dotson has already submitted, that he will be very surprised if these carriage houses over time are truly affordable. He thinks part of the motivation will be for some people in constructing it to actually upgrade it as much as they can to enhance the appearance and the amenities and while one would assert that there probably will be a limitation of a $1 or $1.50 per square foot given the location and the value of the location that the really nicely built small environmentally sustainable low energy costing unit will be very appealing and will carry a premium in the community. That is his concern about this. He was not so sure that one of the goals will be met by carriage houses in this location at this time. He hoped he was wrong.

Mr. Loach said he would just go back and say that this gets back to the master plan and the Neighborhood Model. What they are doing is providing another range in affordability of housing types. He thinks that is what is most important about it. He would also say they talked about affordability but left out the fact that having a carriage house might be the difference between somebody being able to afford that house and not being able to afford it. It is just as important if you have 3 or 4 kids and want them to go to the 3 schools right next door that they could afford to build a house there as anything else as far as he was concerned. It helps with the mortgage.

Ms. Long pointed out it provides a stream of rental income to the owners that can be very valuable.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Mr. Morris said it was an excellent discussion.

Mr. Keller noted that he was going to bring it up under new business.

Motion: Mr. Loach moved and Mr. Dotson seconded to recommend approval of ZMA-2014-00004 Old Trail Village, with technical and grammatical changes to the proffers as recommended by staff.

Mr. Morris invited discussion.

Ms. Firehock said she did not see this as true affordable housing because of its location. She has in her past life as a city planning commissioner approved these types of units in developments. She was going to support this primarily because after Ms. Long's explanation about the difference between what you can do there now and what this does she does not see a huge difference in what is currently allowed. But, she would just take issue with coaching it as affordability because she was not convinced that is really going to be providing affordable housing for people working in the retail establishments, etc.

Mr. Keller said he supports it as well. He thinks that even beyond that is the issue that they have developed a system that is getting credit for affordability when it is not really affordable housing.

Ms. Firehock pointed out she thought that was a separate issue.

Mr. Morris invited a roll call.

The motion was approved by a vote of 7:0.

Mr. Morris noted ZMA-2014-0004 Old Trail Village would be forwarded to the Board of Supervisors with a recommendation for approval to be heard on a date to be determined.

Old Business

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

New Business

Mr. Morris asked if there was any new business.

- Request made that staff schedule a Commission roundtable discussion on affordable housing and other housing related issues for future Commission meeting.
- No Planning Commission meeting on January 20, 2015.
- The next Planning Commission meeting will be held on Tuesday, January 27, 2014.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:08 p.m. to the Tuesday, January 27, 2015 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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