Albemarle County Planning Commission
December 15, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, December 15, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Megan Yaniglos, Principal Planner; Elaine Echols, Principal Planner; Ron White, Chief of Housing; Margaret Maliszewski, Design Planner; J.T. Newberry, Planner; David Benish, Acting Director 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.

- Annie Ligush and James Wills, Monticello High School students, reported on class project land use findings pertaining to the potential brewery site at 29/64 overpass and asked questions, as follows.

Ms. Ligush said every year students from our government course engage in a citizen's action project. The topic that caught our eye was land use specifically pertaining to the potential brewery site that existed near the 29/64 overpass. Although talk of the breweries sort of fizzled out, debate on legislation to expand the growth boundary of our county still prove to be a relative area of study. First, they would like to commend the county's decision to expand the growth area as well as its efforts to meet the demands of those concerned about the building of a Board environmentally conscious society with the addition of parks and green systems. We have learned over the course of our study how tedious the actual process can be even at local levels of government. We support all that the county has done and hither to. We do have one question. How will you consider the drastic change in traffic flow around the new developed area and other potential growth areas? Thank you.

James Wills, a Monticello High School student, said this year they worked on a project called CAP, Citizens Actions Project, which is a semester long project where you choose a policy and issue, create a question by looking at both sides of the spectrum for research and interviews, and make an educated standpoint on the topic. So we also choose to look at the boundary line expansion that took place earlier this year, the added 51 acres onto Albemarle County's five percent development areas. In the beginning our question was whether or not it should be allowed to expand outside of the five percent development area by a later transition into whether or not 51 acres of expansion is adequate for our potential business specifically with the brewery that wanted to come to Albemarle County. After long research and many meetings including meetings with Jeff Werner and Elaine Echols we concluded that yes the expansion was okay. The assessment of both the land's quality and quantity proved that the land outside of those 51 acres would not be adequate for a building. Part of the 51 acres and the remaining 404 acres of buildable land in our five percent can and will provide enough space for building in order for bringing in new business. We would like to commend your thoughtful planning and how seriously you take the comprehensive plan; however, we believe that Albemarle County should not amend its boundary lines further as we have enough business to sustain our functionary economy and enough land to continue to develop if needed. Thank you for not making decisions solely based on economics and consciously thinking of the availability of land to be developed on rural values. Plain and simple you are all doing a pretty good job and thank you for your time.

Valerie Long asked to make two public statements. First, to publicly thank Mr. Morris and Mr. Loach for many years of service to the Planning Commission and the community as a whole. She wanted to thank Mr. Randolph, too, for his service as well. She thanked Mr. Morris for his service, time, and his willingness to really always look at all the issues very carefully, keep an open mind and always work to do the right thing. Second, Valerie Long asked to make a comment about the affordable housing discussion that they were having later this evening. She was a new member of the Albemarle County Police Foundation Board of Directors. She was honored to serve and already has been discussing with Colonel Sellers and some fellow board members about ways that we can work with the county with regard to affordable housing proffers so that it could hopefully benefit members of the County Police Force. So she let Colonel Sellers know that the Commission was having this conversation tonight and offered to just weigh in to let the Commission know that they very much want to be part of that discussion so that they could try and work together in hopes that the program could perhaps be updated and improved so that we could find some units in Albemarle County for the Police Force. Right now Colonel Sellers tells me that 61 percent of their force lives outside of the county. It is a very important tool both for recruiting officers as well as retaining them since they very much want to be here. It is also very important for their efforts for community policing to live in the same communities where they work. Since the Commission was going to have that conversation tonight she just wanted to put that word in so the Commissioners are aware of their interest.

Neil Williamson, Free Enterprise Forum, thanked Commissioners for their service and the Monticello High School students for sharing their project findings. With regard to the Monticello High School students that are here he thinks it is important that their research shows this board was unanimous in opposing the expansion for business development in the light industrial in a rather heated meeting. It is important to recognize how much business you want and where that business is going will be a key conversation for the Planning Commission and Board of Supervisors in the years ahead. He was hopeful that the county will continue to build on the existing businesses that are here and grow them so that these students can have jobs and not have to leave the area in order to find employment. Thank you for your service and the opportunity to speak.

There being no further comments, Mr. Morris asked if any member of the Commission would like to address either of the questions that the students brought up.

Mr. Loach said the question came up about traffic concerns and what they have done. He represents the White Hall area, which is out by Crozet and basically they have tried to do this within the context of our master planning. What that means is when they built a development we included as much connectivity as possible through the streets, etc. They have also hopefully tried to change from cul-de-sac pattern to a grid pattern, which again has more connectivity. They could look at Old Trail and some of the other developments that we have and see. He would also say that what we have tried to do though on the other side of that coin is look at 250 and keep development along Route 250 west and with the growth there as limited as possible. Route 250 is a scenic highway destination and they have tried to keep as much as possible the development away from that as we could.

Mr. Loach noted on the second question as Mr. Williamson brought up is that he was glad that the students actually endorsed it, but the Commission did not. So just to let you know the Commission all voted against it. One of the things that swung me is that one of the adjacent property owners who spoke was a gentleman that bought land out there. The gentleman said that he looked for a parcel of land for a number of years before he purchased across from and near where this proposed brewery was to go forward. You have to remember that in the comprehensive plan this area was rural area. Mr. Loach said when he looked at the land he then went to the comprehensive plan and saw it was rural area. He looked to see what can be built there and it was one house on every two acres with a 21 acre residual, and he said he could live with that. Then the County said they were going to change the zoning designation to allow business. So in some respects you have to put yourself in the adjacent property owner's position who ended his comments by referring to a song from the past about turning everything into a parking lot. So the discussion was good, as Mr. Williamson said it was spirited; but, the Commission did vote against it.

Mr. Lafferty said the charge to this committee is the health, safety and welfare of the residents of Albemarle County. Unfortunately, that intersection with I-64 and 29 is a very dangerous intersection. It is estimated it is going to cost between 130 million dollars and 170 million dollars to correct that because they have to buy land and replace several bridges. So that was one of the reasons that he voted against it. It was just too dangerous to put all that traffic into that intersection now.

Mr. Randolph asked to weigh in. A lot of you as students in the 12th grade year will have an opportunity over the next four years at universities and colleges to take classes in social sciences. One of the things he thinks they will be very early exposed to if you have not been already is the danger of taking a single case study and extrapolating from a single case study and drawing conclusions. This body deliberated very hard and very long with great attention and care over the proposed expansion of the growth area on 29 south. It is easy to say that the body was anti-development when all the statements that were made here were about the nature of the project and the location of the project. As we looked at it the risk factors that arose from a planning perspective in utilization of a highway that already is substandard in need of upgrading and the time period in which that might occur was indefinite and thereby the risk to health, safety and welfare of other drivers, especially of multi-wheeled trucks, would be very high. There are things here that they take very seriously. But, it is easy to say when you look at that because we voted unanimously against it that we were anti-business, anti-development. He recalled saying if that proposal had come in with 1,000 jobs on the table all of us on this body perhaps would have looked at it differently, still have the concerns about the highway and other utilization and natural resources, but at 100 jobs it was a pretty easy decision for us to make when we had all the other factors that we weighed in. So from where we sat it was a hard case to call, but we made the call unanimously.

Mr. Morris asked to weigh in and thank the students for re-looking at the problem and coming tonight and sharing your ideas with us. He suggested they keep it up.

The meeting moved to the next agenda item.

Committee Reports.

Mr. Morris invited Committee Reports.

The following was noted by Commission members:

Mr. Keller noted the following:
- Ag and Forestal District Committee results seen at last meetings.
- Fiscal Impact Committee results already weighted in on by Commission.

Mr. Dotson noted the following:
- ACE Committee currently evaluating and processing five applications.
- Urged Commissioners to consider applying for vacancies on ACE Committee.

Mr. Randolph noted the following:
- The Village of Rivanna CAC had presentation by Bill Fritz on what happens on a zoning appeal and the implications for the community.
- Capital Improvements Program (CIP) Oversight Committee scenarios for Fiscal Year 17 CIP.
- Historic Preservation Committee met and talked about the proposal to have an artist community in Albemarle County.

Mr. Morris reported our citizens advisory committees have not met this month.

Mr. Loach noted the following:
- Crozet Library had its second anniversary.
- A new and improved plan for Barnes was brought before the Crozet Advisory Committee (CAC) and forthcoming.

Mr. Lafferty noted:

- The Hydraulic Places29 Committee met and looked at the budget regarding sidewalks and work on the urban ring structure.

There being no other committee reports, the meeting moved to the next item.

Review of Board of Supervisors Meetings – December 2, 2015 and December 9, 2015.

Mr. Benish reviewed the Board of Supervisors actions taken on December 2, 2015 and December 9, 2015.

Consent Agenda:

Approval of Minutes: July 8, 2015, September 1, 2015, October 20, 2015, November 10, 2015 and November 17, 2015

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. Loach seconded for approval of the consent agenda.

The motion carried by a vote of (6:0). (Firehock absent)

Mr. Morris said the consent agenda was approved.

Public Hearing Item:

ZMA-2015-00001 Old Trail Village
PROJECT: ZMA201500001 Old Trail Village, White Hall
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 and Application Plan for approved ZMA201400004 (Old Trail NMD). No change to maximum allowed density is proposed.
PETITION: Request to amend Code of Development to reduce the minimum number of residential units from 1,600 to 1,000 units; remove, revise and add a number of regulatory tables and text pertaining to street specifications, density and floor area ranges, maximum units by unit type, zoning regulations, spatial enclosure and building height, minimum setbacks, architectural and landscape standards, and land uses allowed; add farm stands, Tier I, Tier II, Tier III Personal Wireless Facilities, and Cluster Cottage units as permitted uses; request for private streets; request for modification of street standards; request for modifications to sign regulations; for ZMA201400004 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 Corridor (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 institutions, schools and other small scale non-residential uses; Urban Density Residential- 6-12 units/acre; supporting uses such as religious institutions, schools, commercial, office and service uses. (Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation regarding ZMA-2015-000001 Old Trail Village.
Proposal:

- Request to amend the code of development, application plan, and proffers.
- Reduce the minimum density from 1,600 to 1,000 units to allow for market changes.

- Request to add Cluster Cottage unit, farm stands, and Tier I, II, and III Personal Wireless Facilities as uses.
- Request modifications:
  1. Private Street authorization
  2. Modification of street standards for amenity oriented lots
     a. Curb, curb and gutter
     b. Sidewalks
     c. Planting strips
  3. Modification of sign regulations
     a. Sign area
     b. Sign height

As stated in the report, staff does not object to the request to change the minimum density, as the reduction is still within the density ranges recommended in the Crozet Master Plan. In addition, staff does not object to the uses proposed to be added.

Proposed Application
The request is in need of some revisions. Staff believes that most of the issues identified can be worked out with the applicant between this meeting and the Board meeting; however, the applicant wanted the application to be heard by the current Commission. She would go through some of the substantive issues in the presentation. The first is the private street requests.

The applicant has requested private street authorization for the remaining streets to be developed in Old Trail. Attachment H in the staff report contains the detailed analysis of the request. In talking with the applicant this afternoon, the request for a portion of Street H to be private was an error and they would like to remove that from their request. They are requesting that Street B located behind Block 6 be approved as a private street. As stated in the report, staff is not recommending approval of this as a private street. Staff believes that this street is a major component of the block network and is a direct connection between commercially designated blocks 7 and 6 and the existing Golf Drive. Also, staff believes roads should not be constructed in varying public and private road segments as this can create inconsistencies in road design as well as operation and maintenance of the road. It is also County policy that roads be public. Staff is recommending denial of this portion of the request.

The applicant is also requesting that any future roads can be built as private. Staff is recommending denial of this request as well. Staff found that the justification for this request does not meet the ordinance requirements in 14.2.33. The ordinance allows for approval of private streets in certain circumstances and at this time there isn't enough detail for staff to make a positive finding for this request. This does not preclude the applicant from asking for a private street request in the future when blocks are submitted for site plan or subdivision approval.

The last street segment that was discussed in detail in the report is the connection between blocks 32 and 22. In speaking with the applicant this afternoon, they are amendable to making the change to the note that would allow secondary emergency access to be required if needed and if another access has not been established.

Related to the private street request are the modifications to the street standards. Staff is recommending approval of both the sidewalk and planting strip modifications, but not the curb and gutter request. Again, the request that was submitted did not provide adequate justification for staff to make a positive finding. Similar streets serving amenity oriented lots have been built with curb and not gutter, and that is what staff is recommending for this request. In speaking with the applicant this afternoon, they indicated that they would provide more information for your consideration of this request. However, staff has not seen this information; and, therefore our recommendation is still to approve the gutter portion of the request but not the curb.

There is a lot more information in the staff report, but those are the main points staff wanted to go through.

Factors for Consideration

Factors Favorable:

- The rezoning amendment is consistent with the Crozet Master Plan.
- The rezoning amendment incorporates the previously approved variations that are within the blocks proposed to be amended, and simplifies and clarifies the Code of Development and Plan so that it is easier to interpret for staff, the general public, and the applicant.
- The Cluster Cottage unit type allows for an additional housing type that could provide more opportunities for affordable housing.

Factors Unfavorable:

- Changes are needed to the Code of Development and the Application Plan to allow each to be in final form for Board approval.

RECOMMENDATION:

- Staff recommends approval of this rezoning amendment ZMA-2015-00001, Old Trail Village with amended code of development and application plan and provided revisions are made as indicated in Attachment G prior to the Board of Supervisors meeting.

The recommendations for modification requests are shown on page 9 and 10 of the staff report, which she would not take the time to go over. If there are any questions, staff would be happy to answer them.

Mr. Morris invited questions for staff.

Mr. Randolph asked if staff had any other examples out there of a cluster cottage unit, a CCU, for us to evaluate what this looks like.

Ms. Yaniglos replied that there have been other localities that she has looked at that have cluster cottage units out west. In Seattle they have done these types of units. So she has done some research on them, but there have not been any in the county that she was aware of. Working out the details of cluster cottage units are still to be worked out with applicant. But, she does not have any readily available example.

Mr. Randolph asked if staff had any idea if it was one or two-story and row houses that connect to each other.

Ms. Yaniglos replied cluster cottage units typically are one-story and the houses can either be separated or not.

Mr. Randolph asked if it was with a narrow alleyway between them, and Ms. Yaniglos agreed that was correct.

Mr. Randolph said that he got the picture and thanked staff.

Mr. Lafferty asked if staff had any idea of how many affordable houses have been built and occupied.

Ms. Yaniglos replied that she was not sure of that number; however, the applicant might be able to help with that question.

Mr. Loach noted on the reference on page 5 in #2 the applicant has proposed to remove the road connection that was shown on the original application plan which is also in the Crozet Master Plan between Block 19 and Henley Middle School and instead provided a pedestrian only connection. He asked is that still part of this proposal.

Ms. Yaniglos replied they are currently on the plan showing that. But, staff did meet with the applicant and the schools and they are amendable to changing the plan to show the full road and pedestrian connection.

Mr. Loach asked if the road connection was back, and Ms. Yaniglos replied that was correct.

Mr. Lafferty said that they are going from 1,600 to 1,000 units and staff is saying that there is no increase or decrease in the occupation. He asked is that because of the clusters.

Ms. Yaniglos replied no, they are still within that density range recommended in the Crozet Master Plan even with the cluster cottage units.

Mr. Lafferty pointed out he was wondering how she got rid of 600 homes and did not change it.

Ms. Yaniglos said it allows the applicant to cater to the market for the types of units.

Mr. Randolph asked staff to give the Commission an idea of what the fruit stands look like that are proposed here. He was trying to get an idea how the proposed fruit stand design would be in congruity with Old Trail.

Mr. Benish replied that the applicant could probably best answer what they might envision since he was not sure whether they specifically have a plan. However, he thinks the intent is just to make that use available.

Mr. Randolph asked staff to describe the difference in characteristics, construction and width between a private street and a public street so that the students in attendance know what is at stake here and what is being proposed by the applicant.

Ms. Yaniglos explained for the amenity oriented lots there are a couple of ways to look at it. The private streets, as proposed by the applicant behind Block 6, would need to be built to public road standards. So it would still need to have parking on one or both sides of the street, curb and gutter, sidewalks, street trees and planting strips. So the design would still be the same for public streets versus a private street. In the private street request for the amenity oriented lots they would be removing the sidewalks and planting strips. Staff is recommending that curbing be provided, but the width gets reduced to 20' to allow just for fire access. The normal width of a public street with no parking is 24' wide and additional width parking stalls that would an additional 9' on each side of the street if they had parking on both sides.

Mr. Randolph thanked staff for that information.

Mr. Lafferty asked what the justification is for the changes in the signs. He noted they just went through a whole meeting of coming up with the new regulations.

Ms. Yaniglos deferred the question to the applicant to explain.

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

Valerie Long, with the law firm of Williams Mullen representing the applicant March Mountain Properties, LLC noted the others present were David Brockman, development manager for Old Trail Village; and Leslie Tate, a planner with Roudabush, Gale & Associates the civil engineering firm that works out at Old Trail. First, she thanked Ms. Yaniglos for all of her assistance especially over the past few weeks in putting together the staff report. As the staff report indicates we call this our housekeeping rezoning application since it is a lot of technical amendments. There are a handful of substantive issues, which they will talk about. For the most part it is all about stream lining the code of development, clearing up some inconsistencies they have identified over the past few years, and just trying to make the code reflect the new standards for codes of development because this was one of the very first ones that was ever built. The existing code contains a lot more detail than she thinks even staff now thinks is necessary or

even appropriate. It requires their review of site plans and subdivision plats to take even longer than the process normally does, it requires lots of waiver requests, special exceptions and variations to the code. Our overall goal is to try and clean that up, clarify a number of provisions, eliminate any inconsistencies, provide better clarity of intent in certain areas, and also try to apply some of the variances and waivers that have been granted on a block by block basis. As we have gone along we have tried to go ahead and build those variances and the things that have been allowed on a block by block basis into the current code so that they don't have to go back to the Planning Commission and the Board and request variances, waivers or modifications every time we propose a new block. So in many cases we come forward to the Board with the same variation requests block after block. So we worked with staff to try and bring those altogether in one place and make it very clear in the code and in the application plan what is allowed. She would be happy to answer more about that.

Ms. Long noted they have some great photos that they wanted to show off and brag a little bit on the Old Trail because she thinks David Brockman and the owners have done such a fantastic job building a wonderful community there with a nice variety of architecture, a huge variety and types of housing, income levels and amenities. It also does not hurt that we have what we think are the best views in Albemarle County out there. They had a great opportunity with the Virginia Film Festival this past year.

Ms. Long presented a PowerPoint presentation to orient the Commission to the location and maps of Old Trail Village. She pointed out Route 250/Old Trail Drive going through Jarmans Gap Road. She pointed out the marketing map that they use to show how the community is planned. In the application plan and the various blocks the ones that are in black are not subject to this rezoning because those are blocks that have already been developed. So it is really just the blocks that are shown in white. First, she would talk about the private road requests because as staff indicated we are in agreement with them on the vast majority of issues. They have already made the changes or already talked to staff and worked out some minor revisions to the language in the code to address their concerns. But, there are only a few things that we have not quite done.

On the existing application plan a road was shown that would connect the two blocks; but, because this is a sensitive environmental area they realized when they were looking back at the application plan if we can avoid having to build that road across the stream bed we would really like to. However, we realized we might need that as a secondary access road for block 32 if there are more than 50 units. So we put a note on there that just says we don't have to build the access road unless we need it as our secondary access point. We hope to be able to provide a secondary access point somewhere else other than right there. But, we did reserve the right to build it there if we need it and so are going to work with staff on tweaking the language a little bit to clarify that if we can't build it anywhere else we will build it there. But, as staff indicated this is the one portion of road B.

In the next exhibit it shows how we contemplate block 6 being developed in the future, which is really across the street from the Village Center. She pointed out the portion of the road in question. The challenge is they are trying to provide sufficient parking for these future retail locations. It is always a challenge parking in an urban environment like this. The hope was if that portion of the road could be a private road they could actually have perpendicular parking along the side, which would help provide additional parking for the retailers. That is not something that VDOT allows as part of public roads. So it would otherwise look and function like a public road, but it would just have that additional parking. They actually don't believe that this will be a major thoroughfare nor do we actually want it to be. We want Old Trail Drive to be the thoroughfare because they don't want people coming from Jarmans Gap coming down Old Trail Drive and cutting through the back of block 6 to get to the golf course or to Restoration. We want them to come down Old Trail Drive, go around the traffic circle and come that way, which is how you would do it right now. That is one of the few areas that we were not able to reach a full agreement with staff on. We would ask that the Commission consider that request. She would be happy to answer more questions about that.

Next, she would like to talk about the amenity oriented lots and the private road requests or modification requests we have regarding those. The pictures of two blocks that have developed was shown so the Commission could get an idea of why they were asking. In the two blocks 13 and 14 she pointed out the alley. Next she noted the grass mall, which was a like a big play field or little mini linear park. These units

front on the park. They have access by what is really an alley. This is the required street frontage that is required for any unit that fronts on it. If you don't have front a public road you have to have official access somewhere else. In the slide she pointed out the houses and the field that they front on and other landscaping areas. These are very popular and home owners love to live right on the public spaces where people gather. The alley way serves those residences, which does not have curb and gutter. Essentially the look that they are looking for has a slightly smaller scale alley, which functions very well, with no curb and gutter.

Since these alleys were build the standards and requirements of the county have changed. Now we have to build curb and gutter in the alleys. She provided an example of a new block that was built, again, with a linear park and the units around it front on them so they have access. No longer can we build this as an alley. It now has to be a private road. So when they talk about an amenity oriented lots, which are along the park, they have to be served by a private road. They have been requesting and obtaining waivers so they don't have to build sidewalks back there or street trees. They are also asking for curb and gutter to be waivered. In the picture of some amenity oriented lots she pointed out the alleys that they would end up with the curb and gutter, which requires another extra 2' on either side, which makes the alleys much wider. It really just makes it less like an alley and much more like a street. It ends up surrounding those houses with larger streets. As shown in the slides people end up parking in the alleys. They are constantly trying to work with folks to not park in the alleys since they are not supposed to. As the streets get wider it just makes it look and feel more like a street. She would be happy to talk more about that later.

To answer Mr. Randolph's question, the same pictures were in the code of development to give you a flavor for what we are thinking about with the cluster cottages. However, we still have many details to work out on this. But, they wanted to go ahead and put the concept and intent in the code of development so that we had the option to build this later. They think it is going to be a great option. Mr. Loach commented to me about the need for garages. They certainly hope to have at least that as one of the options for some of them. There are no examples of cluster cottages in Albemarle, but they do have some pictures to kind of give the Commission an idea about what they are looking for.

Finally, Ms. Long provided a slide showing the affordable units that are under construction right now in Old Trail. The one- and two-bedroom units that front on the common area have common parking area and no garages. The units are actually built in the inside of the block. So they are really excited about those. To answer Mr. Lafferty's question about the number of affordable unit, there are about 25 total. Some of those were apartments and single-family attached units. She would be happy to answer more questions.

Mr. Morris invited questions for Ms. Long.

Mr. Keller said he appreciated them coming in to give the Commission a heads up about these a while back. They really had a good free ranging discussion from affordable housing through urban design issues affecting this. He asked does the homeowner's association folks get a summary of what the developer is coming to the Commission with.

Ms. Long replied absolutely. In fact, we have held in addition to the regular homeowner's association meetings held David Brockman has been holding neighborhood meetings not even technically separate from the homeowner's association. In fact, he held the most recent meeting two weeks ago to update the community on this proposal. They have been very supportive of it all along.

Mr. Keller said he can assume if there were negative feelings we would see the public here from Old Trail.

Ms. Long replied that they think so. They have worked hard to keep everyone informed. It is hard to talk about a lot of these technical issues with them, such as private streets versus public streets and curb and gutter issues. But, the big picture issues is they usually are focused on when are we going to get more commercial such as restaurants and shops or more commercial, which is the bigger challenge.

Mr. Keller said the parking they are hoping to gain from the privatizing of the street near the future commercial look like pull in parking as opposed to parallel parking spaces.

Ms. Long replied that was right, they are proposed as perpendicular.

Mr. Keller said if there is significant traffic flow there, then there will be the issue of people backing into the flow of traffic.

Ms. Long replied that is currently the concern that has been expressed by staff with regard to that proposal.

Mr. Keller said in terms of the affordable housing do you see these new 1,000 square foot units as having any affordable units within that set.

Ms. Long replied absolutely they certainly hope to. Again, we have not worked out all the details yet. But, part of the plan is to work with staff, the realtors, the builders and others to figure out and make sure they address the market demand, but also do everything we can to make these units qualify under the affordable housing program even if they don't technically qualify for whatever reason because of the stringent technical rules with regard to income levels and things like that. They have worked with Ron White, Housing Director, on these issues a lot. His statement to us has been a lot about even if they don't technically work if you build them small enough they can only ever be but so expensive, and that will help with the affordable housing stock. So that is at a minimum our goal. But, they certainly hope as the Commission and Board continue to refine the affordable housing program and proffer process in the comprehensive plan provisions regarding affordable housing that these could just be an additional option for satisfying affordable housing.

Mr. Keller asked Ms. Long if she did not have a percentage of the units she was thinking about at this point because this is early in your whole marketing strategy, and Ms. Long replied that was correct.

Mr. Dotson said he had two questions related to the change of the minimum number of units from 1,600 to 1,000. If that change was not made what kinds of units would have been built and then what kinds of units could be built if it is lowered to 1,000. There is a statement about respond to the market and he was trying to be a little more concrete than that.

Ms. Long replied that when David Brockman was hired and came on board he looked at the application plan and realized they had to build a minimum of 1,600 units in this area and he questioned how they are going to make that work. When they looked at the details they realized that a huge number of the units are apartments. Apartments are obviously a very important component of the mixture of housing, but it would have been a huge increase. Many more apartments would be required in order to meet the density minimums of 1,600. At the same time the lots would have to be very small for the single-family units whether attached or detached since they are already on the small side and vary throughout the neighborhood. The original ones that were plotted right near the Village Center were very small and did not sell well. They found through their market research in talking with purchasers that people wanted just slightly bigger houses and lots. They loved the idea of smaller lots and getting their sort of yard areas from common spaces, but they wanted more common space. So when David Brockman came in he realized we need to make these lots a little bit bigger and add some linear green space like those grass malls and have the lots front on them. Of course, when you add more green space and make the lots bigger you have less room to meet the minimum density figures. After the first few blocks were getting plotted she remembers Mr. Brockman saying that he was getting really nervous that they are going to be able to ever achieve that. Staff started getting nervous, too, saying how are you going to do it if you keep up this level of density on each block you are not going to get there and you are going to need to have all apartments for the rest of it. That is when they realized maybe we need to start thinking about dialing back the minimum because we did not want to be in a position where we could not achieve the minimum and be in violation. We wanted to continue to be able to have those slightly larger lots and be able to adapt to the market demand that was asking for them. The lots on the green malls were selling very well and we realized we wanted to do more of them. That is essentially how it all started.

Mr. Dotson noted a related very technical question is in the code of development on the phasing of retail development in that the amount of commercial is geared to the number of residential units. He asked have these numbers been adjusted or do they need to be adjusted because he was assuming that in all likelihood you are going to build 1,000 units. Often we build at the minimum level. He asked would that cause any heartache in terms of the phasing of retail development.

Ms. Long replied no, those numbers started out in proffers and were put in place at the time of the original rezoning in 2005, which she worked on. There was a great fear at the time and Mr. Loach may remember this. The idea of having retail in a neighborhood was new. There was great fear that with 500,000 square feet of nonresidential with some retail and some office that all the retail would go to Old Trail and it would not go to Downtown Crozet. The Crozet Master Plan had just been adopted and there were great hopes and lots of excitement about the redevelopment of Downtown Crozet. So the community asked the developers and the owners to commit to phasing the retail in more slowly; to not bring in the retail all at one, but to wait and phase it in as the houses and residential units were brought on board. So that is how that phasing schedule was developed. Frankly, we were never very concerned that we would exceed the retail because we knew it would be a challenge frankly to develop the retail in Old Trail because they did not have the frontage or the street visibility like you do on Route 250 or in Downtown Crozet. It is a challenge. So the original developers were quick to agree to that because it was very important to the community of Crozet to not do anything that would make it any harder for Downtown Crozet to redevelop. We knew frankly that it would not be a problem to comply since the retail would come on fairly slowly anyway. We looked at adjusting those numbers again and continue to feel like it will not be a problem to continue to comply with it.

Mr. Loach said he had been talking before with staff about the elements where staff had moved for denial, and then Ms. Yaniglos made a statement later that the Commission could move for denial, but the applicant could still reapply for approval at a later time.

Ms. Yaniglos agreed that was correct.

Mr. Loach asked to go back to staff's reasoning for moving for denial. He asked was this something that was strongly felt or staff had its own internal conflicts about it, or was it just following procedurally that this does not meet the circumstances, so we move for denial.

Ms. Yaniglos replied that it was probably a combination of both. Staff has to look at the standards and then internally with engineering staff to look at it as well. She asked Mr. Loach if he was specifically asking about road B.

Mr. Loach pointed out in looking at what Ms. Long has presented and knowing Old Trail that he was concerned about backing into the traffic lane, which Mr. Keller had pointed out. That is the one concern that is most problematic

Ms. Yaniglos pointed out that staff did not have that drawing under what was submitted for the private street request. It was only the request for that street. So staff did not see any of that design to have that dialogue on. But, the extension of that road that goes into blocks 5 and 20 that staff are recommending approval of we have had extensive dialogue with the applicant concerning that street. The applicant originally came in for a request that had perpendicular parking along that street and staff had said it needs to function as a street and have parallel parking and not perpendicular.

Mr. Loach noted that had answered his question. The applicant has shown the sections where they don't have curb and gutter, and to my knowledge we have not had a problem with the alleyways in Old Trail with regard to accidents or anything like that. He thinks the amenity frontage lots really work well from what he can see in walking the area. So he has less problem with the curb and gutter in the alleys. He asked was there any engineering problems with not putting in the curb and gutter as far as drainage.

Ms. Yaniglos replied no.

Mr. Morris asked again in accordance with drainage there is no problem, and Ms. Yaniglos replied no that she had talked to engineering.

Mr. Lafferty asked if he misunderstood Ms. Long that she did not have any percentage for affordable housing.

Ms. Long replied the proffers include the standard requirement for 15 percent of the units to be affordable, and so we certainly are complying with that as they go through the project.

Mr. Lafferty asked if no more than one-half of those will be cluster cottage units.

Ms. Long replied there is a requirement in the proffers that says there is a limit on the number that can be accessory units. They do not have a limit on the number of cluster cottage units, and don't anticipate that they will have too many of those. There is no guarantee that they will have any. It is an idea that David Brockman has come up with and wants to look into further. The main reason they included it in our code now was so that when he got to the point if he figured out a way to make it work that it was clear that it was a permitted type of use in the community.

Mr. Lafferty noted it just says no more than 50 percent of the affordable units may be accessory units or carriage units.

Ms. Long agreed that was correct. So if they do build the cluster cottage units the idea is that they would be stand-alone detached single-family units. It may not necessarily have a family, but may have an individual or couple. But, the hope would be that if Mr. Brockman and his partners in development and marketing can make it financially feasible, and particularly if he can make them qualify as affordable units under the requirements of the proffers, that they would count obviously as a single-family for sale unit. That is the goal in that it is yet another way to provide affordable housing in the community.

Ms. Yaniglos suggested that she might be confusing the carriage units with the cluster cottage unit, which are different types of units.

Mr. Lafferty pointed out it said accessory units or carriage units.

Ms. Yaniglos pointed out the carriage units are the units that came in the last rezoning amendment where they were above the garage.

Ms. Long thanked Ms. Yaniglos because that is a great point. There is a limit on carriage houses or any other accessory units of no more than one-half. Frankly, she did not know that they have any right now. So she did not think they are anywhere near reaching that limit. But, these are the cottage units, which would ideally be stand-alone units hopefully right around 1,000 square feet, which is a good way not only to provide another option. However, as the housing director says if you build them small to begin with it is a lot easier to keep them affordable.

Mr. Lafferty said when building out do they integrate the affordable housing in with the regular housing or wait until the end.

Ms. Long replied no, absolutely we integrate them as we go since that is a requirement of the proffers. On a block by block basis every block has to have 15 percent affordable units with some flexibility to carry it over if you do 30 percent in one block.

Mr. Morris invited further questions.

Mr. Loach asked to make his pitch again if they are going to have those cluster units at 1,000 square feet that we add garages on them.

Ms. Long thanked the Commission for the feedback because that is the type of market feedback that is incredibly helpful as Mr. Brockman starts thinking about how exactly to make that concept work.

Mr. Keller pointed out one thing they have not dug into is signage. He thinks of Old Trail as a new urbanist experience in the rural Albemarle County. He realizes it is in the growth area, but otherwise rural Albemarle County. So that implies a lot of pedestrians and people on bicycles. He can't understand why they want to double the square footage of signs when all of the psychological studies show that the slower people are going the smaller the signs can be. They all have heard him talk about the millennials and the lack of need for signing because of the digital medium that is bringing them to locations. It seems that so many things being presented to us are really looking forward to the future. This is really a dinosaur where you are looking backwards.

Ms. Long said she would ask David Brockman to answer that because he has really been spearheading the sign concept ideas. Some of it has to do with trying to provide better signage up at Route 250 so that people know that the commercial establishments, which you can't see from Route 250, are there. However, a lot of it has to do with marketing and branding the various sections of the neighborhoods as well.

David Brockman, building manager and resident of Old Trail, said he would explain the reason they approached this idea. First of all they needed to get an interpretation of what was allowed for signage in Old Trail out on the Route 250 Corridor. Through legal we worked with staff and determined that what was allowed is one sign for our commercial area and one sign for our residential area. That really is the primary purpose for us to look at expanding the signage. It is not for the signs that are internal to the project, but for the signs out on Route 250, once we found out we were able to have a sign for the residential component. The complexity of this is that the village area is embedded to the project and it does not have any visibility out onto 250. When he first got there many of our businesses complained about not having enough traffic or signage. If they had it their way if we want to talk about going a step backwards they would have signed the world. So what he explained to them and just so you know that what we are doing in forward thinking is that we said the best way we can do this is we need to provide this as destination. He thinks that applies to all of Crozet. They want to become a destination that you can come and have entertainment and a lifestyle in Old Trail as well as Downtown Crozet. That is really how this growth is going to become. So they started doing events and bringing people in through traffic. However, you still need to have some level of signage. Out on Route 250 being rural what they have discovered in our concept theme, as shown in the pictures in the slide, our concepts are that the signs needed to kind of reach up in the air a little bit. The signs need to come out from the branches from the trees and get some visibility from a distance. With stop signs, light bars and everything else that we have out there we kind of found a perfect dimension of about 16 feet that falls just under stop bars and can be visible from enough of a distance away. They worked closely with the County ARB and proposed this idea. He thinks what they liked and what we tried to do was to create a very small footprint. What was kind of appealing to this is that by going vertical and having more of a smaller footprint we were not evading the environment. We were being more respectful in trying to be more a part of the forest and not a detraction from the forest. So we were already able to do two signs with one sign at 16 feet. All they ask for is that the second sign, which one would promote residential and the other promote commercial, not diminish one business over another business and that they would make them equal to be 16 foot tall. That was the first part of the request. So it really is just to take one of those towers and extend them up to 16 feet. He asked Ms. Yaniglos to correct him if he was wrong on any of the specifics.

Mr. Brockman said the second part of it is that they we wanted to respect the county's sign square footage face. So that is actually staying the same. The primary message on the sign is going to still stay within that 32 square feet minimum. What they really are trying to do is to give identity markers that will also be kind of structural features. So by doing that it provided the building to kind of raise the sign up so the top part and the bottom part are actually kind of our logo because they have been doing a rebranding of our villages. So we made them part of the structural part of it. The only way they could really include that was to call it sign area. But, our intent is not to add more sign area to have more logos and names out there. It was really just to make them kind of equally important signage elements, vertical in their component, narrowing their footprint and something that could reach out and speak to people up and down Route 250, but still respect the beautification corridor of Route 250.

Mr. Brockman said the rest of the signs that you speak to are internal to the project. We are very social media friendly and we really do enjoy that. So our intent is going through the rest of the community and everything else would be low scale. It is all going to be very pedestrian friendly. They are not looking to repeat this throughout the whole community. It is really was just something that we wanted to try to do out at the Route 250 side. Hopefully, that gives the Commission a little more background.

Mr. Randolph asked are these signs that you are going to replicate and put on Jarmans Gap as well and it will become your symbol and consistent signage through Old Trail.

Mr. Brockman replied that the component that is going to be consistent is the physical structure of those kind of icons that are on there, which show the meadows, the waters and the mountain vistas in the background. That is what they are intended to kind of represent. Actually when he got there he tried to put a little bit of a curtailment to this. But, all of the land out on Jarmans Gap has been dedicated to VDOT. There really isn't currently any place for us to put signage out there. What is out there actually is all we could really do. So our potential idea is that when you come into the park you feel like when you are in the village area you are coming into a new part of the development which is kind of like Downtown Old Trail. So when you pass the park perhaps right at that location we may put an icon there. We might repeat one element of it. But, this really was the only thing that we wanted to do and only do it on Route 250.

Mr. Randolph thanked Mr. Brockman for explaining that.

Mr. Dotson asked for a clarification of the map in Attachment F. He sees two stars that are up by the entrance and asked is that the only place that this change applies to.

Mr. Brockman replied that we would only be able to do two towers, for the lack of a better word, on either side of the road or both on one side of the road, but the idea we have presented is that we try to do them on either side.

Mr. Dotson said none of the rest of the ink on that map really applies to this, and Mr. Brockman replied that is correct because those are just directional arrows.

There being no further questions, Mr. Morris invited public comment. There being none, Mr. Morris invited the applicant for rebuttal.

Ms. Long noted one brief comment was she did not speak specifically to the request for what we call a community wide private road waiver request. She would be happy as the Commission gets into that to talk more about why we were interested in that. She can do that now or can answer questions about it.

Mr. Loach asked Ms. Long to address the issue now.

Ms. Long said the issue really is, as she alluded to a little bit, with every block that gets developed we have to ask for a private road waiver request since the default requirement is public. Every time we do that it has to go in a form of a request that has to be approved by the Board of Supervisors usually on the consent agenda. It is not as onerous as it used to be, but it still requires a waiver request to be written, submitted to and reviewed by staff, a staff report to be written about it and an item on the consent agenda. What we are asking is that we have the ability for that with our application plan and in the code of development. We have identified all the major road networks and we are saying we are committing to building all those roads. But, in the future there are areas in these blocks that have not been developed yet or even really designed yet and we don't know exactly what the road network will be in there. We will most certainly have some of those amenity oriented lots. Some of those will be required to have a private road to serve them. We don't want to have to come back and ask the Board every time for a request to waive the requirements of those that function and look like alleys. We don't want to have to go through that if we don't need to. Similarly, there may be a few other locations where a private road makes sense for some of the same reasons so we have just asked for that because they have all been approved so far. Again, part of our efforts to reduce the number of variations and modification requests that they have to make with every single block was because they have all been approved and to just approve them

now as part of the code. There were a couple of roads where we wanted to make some changes and staff said no it is shown on your plan as a public road and you have to build it as a public road. We just don't want to have to come and make that request every single time. So that was the intent. We also don't want to risk that staff is not able to approve it because there is a concern that it a requirement on the plan. She would be happy to talk more about it, but that is the basic jest of that request or the reason for it.

Mr. Morris invited questions for Ms. Long.

Mr. Keller said as a follow up in the hopes there could be a better mousetrap made from the discussion since you have been very helpful in those kinds of discussions in the past was we have existing older neighborhoods that were built without curb and gutter and have significant storm water issues in high volume rain events. You are saying that in those alley ways when curb and gutter come in the width of the road needs to be wider because of VDOT standards. He asked is it because of VDOT standards or County standards.

Ms. Long replied that it is the county standard, but the curb itself adds 2' on either side with what they used called roll top curb. As they saw in the picture, it is a little wider when you lay it back that way.

Mr. Keller asked is there a county wide issue that could be addressed here as opposed to in Old Trail with the Commission asking Planning staff and County Engineering to think about refining that road width for those alleys so that they include the concrete part of the curb and gutter. Then we can still be looking to have curb and gutters installed and not have the potential storm water issues and expense in the future that we are seeing in older neighborhoods now.

Ms. Long asked to rephrase what he is saying just to make sure she understands him correctly. So for right now part of the challenge, too, since Old Trail was originally approved and a lot of other neighborhoods were approved that usually alleys were 16' wide, but then fire and rescue folks started requiring extra width to accommodate rescue vehicles and fire trucks. Now with or without curb you've got to have 20' minimum for the fire trucks. She thinks what he may be saying is allow the curb and gutter to be part of that 20'. So now it is 20' without curb and gutter and if you add 2' of roll top curb and gutter on either side you obviously are at 24'. So maybe you could have 16' plus 2' on either side of the roll top curb and gutter for a total of 20'.

Mr. Keller agreed that was what he was asking.

Ms. Long suggested asking Mr. Brockman if that works; but, she also obviously would want staff to weigh in.

Mr. Keller agreed the Commission would want staff to weigh in.

Mr. Brockman said they certainly would like to have their input. He had that conversation with Fire Rescue. So what it means is taking the wheels of the fire truck and driving them up on the roll top. Honestly, he has not gotten a real clear answer on that. He believed that could be possible. There are a lot of other ways to do that drainage issue. But, the one that he did want to add and he thinks we had an agreement with staff that if we could not resolve the drainage issue we may still be required to do a curb and gutter. So it does come with the assumption that we solve drainage and we are allowed to be able to take the curb and gutter off and deal with the Fire and Rescue. If we couldn't, then we may have to do a curb on one side and we may have to do a curb on the other side. What really was the impotence to this is the alley that has a drain in the center of the road that has been opposed by county engineering since it no longer allows for that center drain to happen. There could also be a way to bring that back into the mix and try to use a center drain to solve some of those. The biggest issue is there has been a lot of construction problems in the county towards that. So we hope we are the ones that show how to do it right. But, he does think there needs to be a diligence to build things properly to be able to solve drainage problems and that is probably where a lot of the problems came from.

Mr. Keller said he understands that there are many green solutions that are superior to curb and gutter. But, then that opens up a whole other can of worms if we were going to approve this. If he was going to support your proposal, he would want to know that there was something in those standards that would be requiring that to happen in lieu of us giving up this requirement.

Mr. Brockman suggested they could say predicated on drainage being resolved.

Mr. Morris noted that was the key.

Mr. Keller said we would agree with that.

Mr. Randolph said he wanted to focus in on blocks 6, 7 and 26, the road that goes through there. He thinks there is a certain degree of optimism in perhaps naiveté that people coming in off of Jarmans Gap from Crozet North going to Old Trail won't potentially use that as a cut through. He was raising this in relationship to Mr. Keller's point that if, in fact, that road shrinks to being 16' wide with curb and gutter that 4 additional feet on either side, that it is narrow enough and it reduces the likelihood that it will be a cut through. But, if in the final plan you end up with a road because of Fire Rescue insistence because the trucks are not getting any smaller for fire purposes and the rescue trucks continue to get larger and larger, that if they insist that has to be 24', then he really thinks on blocks 6, 7 and 26 we have got a real potential problem on our hands. They are going to be mixing this supposed alley way along with cut through traffic going both directions, which makes me a little bit nervous. He just wanted to raise that point and then he wants to come back when the Commission talks about this as a Planning Commission to find out from Mr. Loach whether the Crozet CAC also had any concerns about that possible cut through and the width of the roads.

Mr. Brockman asked to clarify one thing. He noted the narrower roads that we are talking about we are only proposing that the curb and gutter would go away in locations where the original code of development in the original neighborhood model development application plan indicated where alleys would be. Alleys are only servicing residential homes. So in that particular case we were really just suggesting that would actually be built all to the same specifications as a public street. Our only request was for the private street. Actually, initially they had shown it as angled parking because the angle was in the direction of the flow, which is really what you see more in main street designs. Honestly, he would actually agree with you that he would not want that to be a smaller street. He thinks if they went with angled parking that by itself serves as a traffic calmer. Honestly, he wants a lot of people to come in there because they want them shopping. He thinks they would see actually a lot of traffic, but he does look at it kind of as a downtown/main street area. They really would avoid proposing that type of thing within the community, and it really would only be in the commercial areas. Just to clarify, the narrower width without curb and gutter that we really are in the perimeter residential blocks to help dress up the alleys to make them look and feel like alleys. Then this particular one in the blocks 6 and 27, Road B would look and feel just like a public street with the added feature of doing angled and/or perpendicular parking on it. He hoped that clarifies that issues.

Ms. Yaniglos asked to further clarify the private street request. Staff is recommending approval on what she would call a blanket approval for amenity oriented lots. Staff is really recommending denial of any additional above outside of those amenity oriented lots that we don't have the detailed information on right now. So to their point of coming in for private street approval on these amenity oriented lots they would already have that approval that we are recommending. It would just be any additional above that.

Mr. Brockman said he understands where Ms. Yaniglos is coming from. In blocks 22, 32, 33 that they see on the lower right side of the screen those are areas that have large parcels without a lot of definition on street layout. What she is speaking to is correct. If it is an amenity lot he thinks we are in agreement that there is no issue with private streets and are just looking forward because we are not sure what the rest of it is going to look like. Staff is suggesting that they would feel more comfortable if they saw something before they approved it. He asked if that was a fair statement.

Ms. Yaniglos agreed.

Mr. Morris closed the public hearing to bring it back to the Commission for discussion and action.

Mr. Loach said the Crozet CAC has not been involved. The reason for that as was stated before is Old trail has its own community association. He assumed had they not been communicating with their own people they would have come to the CAC and said they wanted to bump this up to a community level. As said, he has been attending their meetings and as you know they have obviously gone along with the expansion and changes as put forth tonight. It has been an issue and has not reached the CAC level.

Mr. Keller said he would like to hear from staff on the issues of storm water in those alleys.

Ms. Yaniglos pointed out she did ask that question of the county engineer if not having curb and gutter was going to be an issue with storm water and drainage. He said that it would not and that they did not have any concerns about the drainage without curb and gutter.

Mr. Keller asked if the county engineer spoke to other alternatives or topographic variations in that area.

Ms. Yaniglos replied that he did not.

Mr. Keller noted this was another case where it would really be great to have the county engineer here when the Commission has these kinds of discussions.

Mr. Loach asked are you satisfied with the discussion where the applicant said that if in fact there is a drainage problem that they would have to be responsive to it.

Mr. Keller said when he was having his cup half full days, yes.

Ms. Yaniglos pointed out regardless of the curb and gutter whether it is there or not they are going to need to meet our storm water regulations. It is like Mr. Brockman said if in the storm water they are not meeting those regulations and it is needed, then they are going to need to meet that requirement.

Mr. Randolph pointed out in my first Planning Commission meeting four years ago we discussed Estes Park and the discussion centered around the fact that the neighbors in the adjoining community did not want through traffic coming in. According to the neighborhood model we were to be in favor of interconnectivity and we ended up as a Planning Commission approving that with only one way in with a bollard however available for emergency vehicles. If they take out that connector between block 32 and 22 it looks to me like there is only one way into block 32. On page 5 you say staff is in support of this road being designated as an optional public or private street because of large impacts to the street buffer. However, if you go on the proposed note it appears to leave it to the discretion of the developer to decide whether or not to build an emergency access way. In my way of thinking it is the second access way into this piece of property, and he is right back to Estes Park again where it is déjà vu all over again. Do we really want to permit with this sizeable piece of property when looking at the scale in Old Trail that there would be only one road in? He asked is that something they want to do.

Mr. Loach said he thought if it was over 50 units you had to have two ways to access.

Ms. Yaniglos said if the access is needed for emergencies and VDOT requirements come into play there would be a need for secondary access.

Mr. Randolph said he suspects VDOT will weigh in because there have been other cases where we have approved something and then it has gone to site review committee and in comes VDOT along with Fire Rescue and they say that is not going to work that way. That was Arden Drive, too.

Ms. Yaniglos said that is why staff wanted to clarify the note.

Mr. Loach asked to go back to Mr. Keller's point on the parallel parking. He thinks the problem is a double edged sword on the signage. So essentially we are going to add signage up front so there is more traffic through to the interior of Old Trail to these commercial areas so that those commercial areas

can be better supported, which means more traffic through there. That is where he has a problem with the parallel parking as Mr. Keller said backing out into traffic. That is the one area he has a problem with. He believes that they will see more commercial traffic into those areas, especially since the other side right now is mostly professional offices and this is more retail. He would more or less leave that to staff since that is the one thing he had a problem with and if they can solve that in their own way with the applicant on what it should like in the end. In other words, he would at this point agree with Mr. Keller and would move just for that part to be denied and if they can resolve it later with the staff that would be fine. The other question was on Ms. Long's request for the private road blanket and if staff was satisfied with the compromise allowing all the amenity frontage to be included, and Ms. Yaniglos replied yes, that was what she had in the report as a recommendation.

Mr. Loach said that was the only part that he could really see a problem with.

Mr. Morris invited further discussion.

Mr. Dotson said procedurally it is very helpful that staff put together nine different topics of potential motions that we are going to go through.

Ms. Yaniglos pointed out that Mr. Kamptner provided the motions.

Mr. Dotson said he was just wondering if it does not burden the process if we could proceed each topic in turn and that staff said what their recommendation was and then the applicant indicated we agree or disagree because that would help us focus on the issues.

Mr. Morris agreed they would go down the list and vote on them one at a time.

Ms. Yaniglos noted the first one was for the rezoning request. Staff recommends approval of ZMA-2015-1 Old Trail Village.

Mr. Kamptner said based on the discussion tonight there are two items that the Commission may want to expressly identify both with respect to the application plan. One would be the Henley connection that it be depicted or be described on the plan that is providing for vehicular and pedestrian access. He would refer to it as the Block 22/32 connector that would remain on the application plan, which was the Commission's consensus.

Mr. Morris pointed out Mr. Randolph addressed it.

Mr. Randolph noted that it was so called the appendix.

Ms. Yaniglos pointed out in Attachment G is the summary of revision that includes both of those.

Mr. Keller asked would there be a benefit in going down the individual pieces and coming back to the zoning map amendment last because we would have resolved each of those other issues.

Mr. Kamptner said he thinks the order does not matter.

Mr. Morris suggested the Commission start with the first one they are on right now. He asked Mr. Kamptner if he was saying there were two items that need to be added to this with one being the connector between 22 and 32.

Mr. Kamptner noted actually they probably could address it with the revisions recommended by staff in Attachment G and that would follow the reference to the proposed amendments to the application plan last revised November 2, 2015 subject to the recommended revisions in Attachment G and further subject to any minor technical revisions, etc. as stated in the motion.

Motion: Mr. Loach moved that the Commission recommend approval of ZMA-2015-00001 Old Trail Village, with the revised proffers dated November 2, 2015 as set forth in Attachment D, the proposed

amendments to the code of development as set forth in Attachment B, and the proposed amendments to the application plan, last revised November 2, 2015, subject to any minor technical revisions recommended by staff before the matter is scheduled for consideration by the Board of Supervisors and include all comments by Mr. Kamptner as far as staff recommendations.

Mr. Kamptner suggested the revisions recommended by staff in Attachment G.

Mr. Loach amended the motion with the revisions recommended by staff in Attachment G.

Mr. Randolph seconded the motion.

Mr. Dotson asked if the applicant was in agreement.

Ms. Long said she appreciates the opportunity. She spoke extensively with Ms. Yaniglos about these items on Attachment G that was 1 – 7. They were generally in agreement on how to address each of these, but it may not be exactly as it is stated here. If she could provide perhaps an example. Number 1 says remove the parking requirements that are in the code for cluster cottages. The issue there is we have said in the code that parking requirements for a cluster cottage would be 1.5 spaces per unit. Well that is less than is currently allowed. We think that is plenty and I think maybe staff would agree eventually. But, in order to legally be able to have it, only 1.5 spaces per unit, we have to get the zoning administrator to approve it. So what I discussed with Ms. Yaniglos today is that rather than remove it completely, because we think it is helpful to state our intent, is to say 1.5 spaces per unit subject to approval by the zoning administrator to clarify it that way so we don't take it out completely. We went through each of these this afternoon and discussed how we would handle them.

Ms. Long noted similarly, number 7 says provide lots more information about cluster cottage units in how it would be done. She had explained they were really not quite ready for that yet and did not know exactly how they are going to do it. They wanted to put the broad parameters out in the code so everybody knew what they were talking about and to be clear what our goals were. But, they still need to sit down with architects, engineers, realtors and folks who might be potential customers and make sure they are doing it in a way that works. Obviously, it would be with the staff, too, to make sure that they can comply with the regulations. She thought staff was generally in agreement and they can figure out a way to compromise and get enough information so they can be comfortable with it in the code, but not so much that our hands are tied. That is our only goal. We don't want to say we are going to do it exactly like this, and then if David Brockman comes up with a better way to do it or we get input from folks in the community of better ways to do it we just don't want to have our hands tied and not be able to do it the way we think makes sense just because we put too much detail in the code.

Mr. Loach asked to be specific regarding hands being tied and if she meant the connector road.

Ms. Long replied no, she was just talking about the cluster cottage units as an example. Her broad comment would be she did not know if it would work necessarily to say approve it subject to these provisions if it is exactly the way staff wrote it because we have come up with better ways in the last few days. We can certainly commit to the Henley connector and then with regard to the connection between blocks 32 and 22. We were not proposing to take it off. She did not think staff was saying that there was a major problem; but, we just need to clarify the note better. Mr. Randolph made the point if there was more than 50 units we must have a second connection, and we don't disagree with that at all. We think we might be able to provide a secondary connection from another location through the golf course. If we can and it meets the requirements we would not have to build a secondary connection across that stream bed. That would be the goal. It would require impacts to the stream and it would be expensive. If we can provide a path, a compliant secondary access from another location that is what we hope to do. So the intent of the note is to say we don't have to build that as a full blown connector road for traffic, but we reserve the right to do so. If we decide that it makes sense from the neighborhood development, we will build it. If it does not, but maybe we end up needing it for emergency access we will build it for emergency access if we can't provide emergency access somewhere else. So it is really just a matter of adding more precision to the note than we already have, and I think staff and I are in agreement with how to get there.

Mr. Loach said he was wondering because of all the complexity of all of the items if it would be easier since staff has got all our input for them to go back work out the language and come back.

Mr. Benish pointed out that is what we do. If the Commission's action is to adjust the major elements defined here in these seven points, then we work with the applicant to come to that answer. Then we provide the Board of Supervisors the response to how they addressed your recommendation. Sometimes they are different and may not be as precise as listed here, but if we have met the intent of the Commission based on our conversation we pass that information to the Board. So I think it is the major elements that are identified here and some of the details we can come to a different opinion and then provide that guidance to the Board of Supervisors.

Mr. Randolph said our intent is not to straitjacket you at all.

Ms. Long replied that she did not think they did. However, it sounded like it was going to be written like it would. So I think what Mr. Benish has suggested would be fine.

Mr. Benish suggested if they just added the major elements as defined in Attachment G maybe that will be adequate.

Mr. Loach asked staff to provide the language for the motion and they will put it to vote. However, he just wanted to make sure.

Mr. Kamptner suggested they could revise the last clause subject to any minor technical revisions, and have it begin subject to addressing the major elements of recommended revisions in Attachment G and any minor technical revisions recommended by staff as stated there. Depending upon what the Commission's action is and what they do with street B behind block 6 there are some parts of this Attachment G that may be inconsistent with your later action and they will need to reconcile those as well.

Mr. Keller noted that was my reason for doing it last.

Amended Motion: Mr. Loach amended the motion for ZMA-2015-00001 Old Trail to include the verbiage Mr. Kamptner suggested, which was seconded by Mr. Randolph.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris said ZMA-2015-00001 was passed unanimously.

Private Street Authorization:

Ms. Yaniglos said the next motion is for the private street authorization. There are three different recommended motions that matches what staff has recommended. Since the applicant did request street H she would look at Mr. Kamptner to see if they still need the motion even though the applicant has made the statement.

Mr. Kamptner pointed out yes unless the applicant wants to withdraw that portion of their request.

Ms. Long agreed with that portion.

Ms. Yaniglos said they don't need to have a motion on that one, but just for the top and bottom items.

Private Streets

Motion: Mr. Loach moved and Mr. Lafferty seconded that the Commission authorize private streets as follows for the reasons stated in the staff report and in Attachment H:

-The portion of Street B located that serves Blocks 5 and 20; provided that the portion of Street B located behind Block 6 be designated on the application plan and in the code of development as a public street.

-Streets T, L, N, and P and those serving amenity-oriented lots.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

Motion: Mr. Loach moved and Mr. Randolph seconded that the Commission deny the applicant's request to authorize other streets not shown on the application plan or referred to in the code of development as private streets, for the reasons stated in Attachment H.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock)

Mr. Morris noted the motion for denial was passed unanimously.

Curb and Gutter Request

Ms. Yaniglos noted the next one was for the curb and gutter.

Motion: Mr. Loach moved that the Commission grant an exception from the requirement to install gutters on private streets that serve amenity-oriented lots, for the reasons stated in Attachment H.

Ms. Yaniglos pointed out this is the one the Commission had discussion about the curb and gutter. Staff is recommending that curb be installed, but not gutter.

Mr. Lafferty seconded the motion and noted that was only if the applicant can take care of the drainage.

Mr. Kamptner said if there was consensus to grant the exception for both curb and gutter they could revise that first motion to include both curb and gutter and be able to include a condition that curb and gutter shall be provided if required by the county engineer.

Amended Motion: Mr. Loach amended and Mr. Lafferty seconded the motion that the Commission grant an exception from the requirement to install curb and gutters on private streets that serve amenity-oriented lots, for the reasons stated in Attachment H, as amended, to include a condition that curb and gutter shall be provided if required by the county engineer.

Mr. Morris asked if the applicant was in agreement.

Mr. Lafferty pointed out that was what they discussed.

Ms. Long said she thought that it was going to be stated as so long as we could comply with the drainage requirements.

Mr. Loach said that was what he thought Mr. Kamptner said because the only reason it would be required is if you could not.

Mr. Kamptner pointed out the condition was worded so it would be a determination by the county engineer.

Ms. Long said if they could make it clear that it has to do with drainage that would be our preference so that it is very clear on what the goal is.

Mr. Benish suggested if it was required by the county engineer for the purpose that it was addressing drainage.

Mr. Morris agreed that was what the Commission was after.

Mr. Loach amended and Mr. Lafferty seconded the motion as suggested.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

Street standards: sidewalks

Ms. Yaniglos said the next motion is for the sidewalks. Staff recommends approval for those that serve amenity-oriented lots.

Motion: Mr. Loach moved and Mr. Lafferty seconded that the Commission grant an exception from the requirement for sidewalks on those private streets that serve amenity-oriented lots, for the reasons stated in Attachment H, subject to the following condition:

1. A five-foot wide sidewalk across the length of the amenity area shall be provided for access to and from the lots and shall connect to the sidewalk network along the public and private streets.

Mr. Morris invited discussion. There being none, Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

Street standards: planting strips

Ms. Yaniglos noted next was the planting strips. Staff was recommending approval.

Motion: Mr. Loach moved and Mr. Lafferty seconded that the Commission grant an exception from the requirement for planting strips on those private streets that serve amenity-oriented lots, for the reasons stated in Attachment H.

Mr. Morris invited discussion. There being none, Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

Special exception for sign modification: freestanding sign area

Ms. Yaniglos noted the next item was the freestanding sign area. Staff recommends approval.

Motion: Mr. Lafferty moved and Mr. Dotson seconded that the Commission recommend approval of a special exception to increase the maximum sign area for monument-style freestanding signs using multi-sided theme panels as depicted in Attachment F from 32 square feet to 64 square feet per sign, plus bonus tenant panels as provided in County Code § 18-4.15.10(a)(8), for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller pointed out that they have just gone through a sign ordinance and he did not see a need for us to be increasing signs in this particular one. He thinks they are setting a precedent.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1 and he assumes the reason for the nay was exactly as Mr. Keller suggested in setting a precedent.

Special exception for sign modification: freestanding sign height

Ms. Yaniglos noted the next item was freestanding sign heights. Again, staff is recommending approval.

Motion: Mr. Loach moved and Mr. Lafferty seconded that the Commission recommend approval of a special exception to increase the maximum sign height for monument-style freestanding signs using multi-sided theme panels as depicted in Attachment F from 12 feet to 16 feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller said as stated before he thinks that they are looking backwards instead of forwards as far as signing and we are going against what they just did with the last sign ordinance.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1.

Special exception for sign modification: subdivision sign area

Ms. Yaniglos noted the next motion was for the subdivision sign area. Staff recommends approval.

Motion: Mr. Lafferty moved and Mr. Randolph seconded that the Commission recommend approval of a special exception to increase the maximum sign area for monument-style subdivision signs using multi-sided theme panels as depicted in Attachment F from 24 square feet to 64 square feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller asked to ditto his earlier comments.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1.

Special exception for sign modification: subdivision sign height

Ms. Yaniglos noted this was the last one for subdivision sign height. Staff recommends approval.

Motion: Mr. Loach moved and Mr. Randolph seconded that the Commission recommend approval of a special exception to increase the maximum sign height for monument-style subdivision signs using multi-sided theme panels as depicted in Attachment F from 6 feet to 16 feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller noted that he could support this one.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was unanimously approved.

Mr. Morris noted that ZMA-2015-00001 Old Trail Village and the modification requests would be forwarded to the Board of Supervisors to be heard at a date to be determined.

The Planning Commission recessed at 7:57 p.m. and the meeting reconvened at 8:05 p.m.

Work Sessions

ZTA-2014-00005 Resident Artist Community – Discuss work on zoning text amendment to add this use to the uses available for special use permit in the Rural Area (Elaine Echols)

Ms. Echols presented a PowerPoint presentation regarding ZTA-2014-00005 Resident Artist Community.

Purpose of Work Session

- Decide whether to continue studying
- Report decision to BOS in January so they can prioritize

This is a topic the Commission has seen and worked on before. The purpose of this work session is to see what should happen next. This ZTA has a lot of history on it. In working on something to bring to the Commission staff took it to the Historic Preservation Committee. Since staff was not able to get consensus on how it could move forward the applicant wanted staff to bring the ZTA to the Planning Commission to see if you would be willing to move it to the next step.

The first question is to decide whether to continue studying this. Staff would report this to the Board of Supervisors in January instead of February because they are working on the work program and prioritization especially zoning text amendments. So if the Planning Commission is recommending this be continued, then staff needs to get the Board to prioritize it for us. If the Planning Commission is not recommending it to be continued, then staff would just report that to the Board.

Context and Background:

- Early 2012: Does zoning ordinance allow?
- August 2013: Planning Commission made Comprehensive Plan comments and recommendations to the Board of Supervisors (BOS)
- June 16, 2014: ZTA application made after Planning Commission made recommendations to the Board of Supervisors. This was not an issue at that time.
- September 9, 2014: Board of Supervisors – use is not addressed in current or proposed Comp. Plan, but is unique. The Board asked the Planning Commission to consider that.
- September 16, 2014: Planning Commission adopts Resolution of Intent
- December 2, 2014: Planning Commission Work session
- January 27, 2015: Recommendation to BOS
- June 10, 2015: BOS adopts strategy and text into Comp. Plan

Staff asks the Planning Commission to decide whether this should move forward. It was not listed a priority topic by the Board of Supervisors when they set their priorities for the work program. However, staff will be reporting back to the Board to see if they want to change that priority if the Commission is in support of continuing on this.

Several staff members took a trip to Amherst County to see the VCCA's residence artist community. Two staff members are present Margaret Maliszewski and J.T. Newberry who have been working on this project, too. All three staff have worked very hard on the staff reports.

What does a Resident Artist Community Look Like?

The slides show the kinds of things you might see in a residence artist community, but not necessarily what you would always see. The slides show the following:

- Administrative office and offices. There was a reservation board in the offices that changes frequently, which have all of the individual bedrooms slotted for people, how long they are going to be there and what house to change and when.
- They have a resident's hall that has bedrooms and bathrooms in a typical dorm type layout.
- They have a dining area and studio space.
- They have some outbuildings for studio space, gathering areas, and places to display the different things that the artists are working on.
- There are outbuildings for grounds and maintenance. The little hut is used for studio space and they have several buildings.

Similarities and Differences with other ZTA

Staff noted they have brought both ZTA's to the Planning Commission tonight because of they are very similar.

Resident Artist Community

- Use is currently not allowed (However, the other use is currently allowed in the zoning ordinance.)
- Rural Area use? (There are questions about whether or not the use needs a rural area in order to be successful. That was something that was really important to the Commission when they were working on the comprehensive plan about what uses belong in the rural area. Both of the uses have a similar question mark on that one.)
- Proposed use of historic building
- Expansion of existing buildings is proposed. (The expansion of existing buildings is not allowed right now under the historic inns and taverns.)
- Construction of new buildings is proposed. (That is not allowed yet under the other part of the historic taverns and inns.)
- Should use be added as a special use permit? (The question for the other one is how it relates to historic buildings and with the other transient lodging issues.)
- Should expansion of buildings for proposed use be available? (The issue staff has here is if they are talking about expansion of one of the uses and the opportunity for expansion of historic buildings, shouldn't it be the same for both.)
- Should new construction of buildings associated with proposed use be available? (It is the same for new construction.)
- Should the ZTA proceed to next step?

Staff had made some suggestions about how this use could be in keeping with our rural area policy and historic preservation aspects. It was confusing to Mr. Werner as well as to other members of the Historic Preservation Committee in understanding what they were saying. That is why in our packet staff showed an example.

If the ZTA should move forward, these are the things staff and the applicant have discussed so far:

- Allow by SP in RA zoning district
- Up to 30 resident artists (more by special exception)
- Eligibility – only buildings on National or State Register, either by landmark or district.
- Up to 4 special events/year with up to 150 people
- Residence halls and restaurants prohibited
- Resident manager required
- Plan required should this move forward

Staff put together a sample scenario so that they don't get hung up on any particular property and randomly selected a large property in the rural area.

Site Characteristics

- 240 acres
- 4 existing houses
- 1 house is historic
- Public Road Access
- Public Road Adequacy
- Environmental Features – example critical slopes and floodplain and stream buffer, which are important resources to have retained.

So with the recommended conditions staff put together perhaps this scenario would be approval if they had the following:

- No >30 bedrooms
- Construct 1 house to be constructed, but the development rights on the others would be either surrendered or diminished.
- Construct buildings for the accessory uses.
- No > 6 BR/house (That is because the bed and breakfast regulations say that you can have no more than 5 bedrooms. One would be needed for the resident manager.)
- No additional development rights other than the one associated with this particular special use permit.

- Some kind of a preservation of natural resources expectation. Such as a Conservation Easement?
- No negative impacts on environmental or historic resources

Staff offers this because this was the only scenario that they could come up with that helped to preserve an historic resource as well as preserve features of the rural area and not encourage additional residential development. It may or not be suitable for the Commission, but staff wanted to illustrate it.

If the Planning Commission wants this to proceed there is still more work that has to be done, and that is:

- Minimum land area requirement?
- Types of uses in new constructed buildings?
- How to assure that the new use does not affect listing on a state or national register? (The Historic Preservation Committee was very concerned if changes were made how do you monitor those changes to know that the property can retain its landmark status. That is one of the reasons why the committee did not think that just being eligible for listing was sufficient for being eligible for this use.)
- Who makes judgement on appropriateness of changes? (This is one of the key things that exist in both this ZTA and the other one. The ARB is not really set up for that purpose. The Historic Preservation Committee is not constituted for that purpose. We can't count on the Department of Historic Resources at the state to be able to provide comments consistently since they don't have the staffing to do that. However, they do from time to time; but, it is not reliable.)

Criteria for Review of Changes to Historic Buildings if ZTA proceeds for Changes to Historic Buildings:

- Does proposed use allow for maintenance, rehabilitation, or restoration of a historic resource?
- Will proposed additions, alterations, or new construction affect integrity of resource?
- Will size and scale of use and buildings be compatible with buildings and uses on nearby and adjacent properties? (The last one was a concern to the Planning Commission when they looked at it before because they did not know how we ensured that. Part of this is the question of who makes that judgement.)

Questions for PC

- Should study proceed or not?
- If no
  - Decide to not forward it to BOS for consideration
  - Study in conjunction with study on other possible uses of historic structures?
- If yes
  - Are the parameters provided by staff appropriate?
  - What other parameters are needed?

Whatever the decision – report to be made to Board of Supervisors (BOS) in January.

Staff Recommendation

- **Recommend to the Board of Supervisors (BOS) that the topic not be pursued at this time but, be considered with other uses for historic buildings**

One thing that became apparent to staff when the Historic Preservation Committee was looking at this was that it may be an appropriate use of a historic resource, but not just a historic resource. They looked at it as a use in the rural area and did not see a good relationship between this and historic resources. They said if they were asked to look at a zoning text amendment, they would have to do a whole lot more work. Since this relates to historic preservation if the Historic Preservation Committee is not behind it right now it just puts it in an awkward position.

Staff is here to get guidance from the Planning Commission on what it is they think should happen next with this zoning text amendment. The applicant is present. The Commission has seen and heard from

the applicant many times and know he is earnest about trying to find a way to bring this organization back to Albemarle County. With that she would end the presentation and ask if there are any questions.

Mr. Morris invited questions for staff.

Mr. Loach asked if they have a farm in the rural area of 250 to 300 acres does the county regulate the number of workers on that farm who can live and work on that farm; and, if so how do they do it.

Ms. Echols replied that the only thing they have is farm worker housing.

Mr. Kamptner noted they have the farmworker housing. Depending upon the number of development rights you can have a number of dwelling units that correspond to the number of 2 acre parcels plus 21 acre parcels; and, if you have 3 or more on a single parcel you must have a site plan approved. So there is some flexibility there.

Mr. Benish pointed out in terms of employees they already know there are no regulations on that.

Mr. Loach said if he wanted to house 30 employees on the land it would be 2 acre lots or he could not build one building or house for the 30 employees.

Mr. Kamptner said you don't have to actually subdivide the parcel. You can build the houses, but have to meet all of the zoning requirements so that if necessary the lands could be subdivided and meet setbacks and things like that.

Mr. Benish noted it was farm worker housing.

Mr. Keller complimented staff because it is a very complicated set of issues for both this, the other and transient housing that is going to be addressed later. They all interconnect and he thinks the way staff has woven a story to make it as simple as possible given the various series of alternative scenarios that can occur is really excellent. He was in support of the continued study.

Mr. Dotson noted he had more of a procedural question. Since the Board of Supervisors has approved the work program for the department to what degree would that fill up the vessel of available time or has there been time reserved for unanticipated projects that will seem justifiable once we know what they are.

Mr. Benish replied that he thinks the vessel is full. The Board of Supervisors has asked for further insights in January specifically on how to address phase 2 of the farm brewery, distillery, and winery changes. Associated with that is special events changes. The Board requested that we give that consideration particularly in light of the fact that we had assumed that the Rivanna River Corridor Study would take time over this fiscal year. However, there has not been a definitive decision from the city or the county on how to move forward with that so that staff time could be used to work on those items. As they eluded Mr. Graham is going to the Board with further articulation because those were zoning text amendments. However, they can address other zoning text amendments and get guidance on what priority the Board sees for these applicant generated requests now that they are at the next step of being potentially in the Board's hands setting a priority for these projects. That is a long winded answer to say the plate is kind of full right now. However, this is an iterative process and if they feel like these are important, then we have to advise them what other things may have to come off the plate. So that is the dynamic that we are in.

Mr. Keller asked to do a quick follow-up to that. He asked if transient lodging is on the work plan for next year.

Mr. Benish said he would double check, but he did not think transient lodging was on the work plan for this year. There is a scenario that the Board asked for that Mr. Graham developed. Assuming they get an additional staff person, staff will be able to advance it a little bit sooner.

There being no further questions, Mr. Morris opened the public comment period and invited the applicant to address the Commission.

Mr. Greg Smith, Executive Director of the VCCA currently located in Amherst County, said VCCA was established here in 1971. He would like to thank Ms. Echols and the staff he has been working with, some of whom for 3 ½ years, on this issue of whether it is possible for the VCCA to locate back to Albemarle County. Obviously, this is not about content but really about process. He was hoping that whatever the decision is here that we can continue to move this forward so that the VCCA will get a fair hearing from the county as a whole by staff, the Planning Commission and Board of Supervisors. He can really not think of anything that is different from what Ms. Echols has described to you in terms of this being up and down in front of the Commission on several occasions and our hope that they can continue to a positive solution in addressing it.

Mr. Morris invited questions for Mr. Smith.

Mr. Dotson said he had a question that was stimulated by the slide of the scheduling board, which sort of gave the impression that artists would come in one at a time as opposed to coming in sort of as a cohort and being there together. So he was just wondering which it was.

Mr. Smith replied that different artist communities do it different ways. In our situations we schedule by individual. The board that they saw with the tape basically indicates the individuals that are coming and the length of time which varies. Other artist communities around the country might have a standard format where, for instance, everyone that is coming in would be there for the first of the month and would leave on the 28th of the month, and then there is a break. However, we tailor it to the individual artist.

Mr. Dotson asked in terms of the activities on the site are they built into the week or a several week period; are there visiting artists who are not part of the community but who come in to lead a workshop or seminar, and is there an educational component?

Mr. Smith replied right now the VCCA currently does not. However, they are actually talking about whether we should be expanding from using 12 months of every year totally for residencies for the artists where they are there to concentrate on their creative work and whatever kind of interactive opportunity they avail themselves of.

Mr. Morris invited public comment. There being none, he closed the public hearing to bring it back to the Commission for discussion and recommendation.

Mr. Randolph asked how many work hours have been devoted to try to shoehorn the size 10 project into Albemarle County's size 8 code of development. The Historic Preservation Committee have met 3 months in a row. The Planning Commission is meeting the fourth time. Staff went down to Amherst County to visit the VCCA site. However, we keep trying to spot fit an artist colony in Albemarle County's Code when the contours of the project proposal don't seem to fit any presently understood framework within the county. Furthermore, when we look at the fact that we have a single case study we question where the demand is. If there were two artist colonies that were waiting to get into Albemarle County he would say that we really have a basis to closely examine our code of development. The cost benefit analysis would suggest that Albemarle County is expending far more resources in terms of staff time to try to assist this nonprofit organization to come here. He would say a far more profitable use of all that staff time would be assisting the Economic Development Office and helping them in terms of locating appropriate sites for LI and potential LI. Therefore, he thinks we have reached a point where he would urge us to pull the plug. He has indicated several times in this body, as well as in the Historic Preservation Committee, that the only way that he would see this as viable would be within the Town of Scottville where there is a less stringent set of planning requirements within the town that would permit this project to be cited with historic buildings in Scottsville and also at the same time have additional buildings that they would find necessary to house an artist colony. However, he just did not see it profitable for the Planning Commission and staff to continue to work on this project at this time.

Mr. Loach said the reason he asked about the housing and the number of employees is that it seems in the rural area that you have a farm that is there because the land produces goods and services. In this case if those goods and services is artist output and they are based on the inspiration of using the land that is available as their inspiration or that is the rural atmosphere, it seems that is not too far akin as far as land use. As far as historic buildings it seems like the problem is mostly the authority to make these decisions is not well defined at this point. However, he would agree with Mr. Keller to move it forward. As far as for the county it is a benefit if we look at the city or other communities in the way they view art or even go back to the 30's and the era of the depression when they had the WPA like in New York City using artists to paint murals. There is a reason that great civilizations have art.

Mr. Morris asked Mr. Loach if he was saying he supports staff's recommendation.

Mr. Loach replied that he would like to see more work be done on this. He can see Mr. Randolph's point about the amount of time that has to fit into the staff's work schedule; however, he does not know how it is going to fit in.

Mr. Morris asked if anyone else wanted to weigh in on this.

Mr. Dotson said the topic has certainly been given a large share of attention; but, he was not convinced at this point that going down the historic resource road is the right way to get to an approval. The reason he was asking the questions before is just trying to understand the activity. It seems like this is transient lodging for artists so that they can work for a period of time in a secluded environment and considering it as part of looking at transient issues in general would be the best way to go. It does not say that in the staff report. However, in looking over the Clifton Inn staff report it says the topic of transient lodging is scheduled for 2018 unless additional staff resources are provided. His view is that enough staff resources have been put into the historic resource avenue and it is time to say enough and that it could be reconsidered in 2018 or whatever timeframe the transient lodging issue is looked at.

Mr. Keller said he would like to respond to Mr. Randolph. There has certainly been a great discussion in San Francisco during the last election about transient lodging pros and cons and possibly modifying the standards. A number of communities are seeing an economic advantage coming through the taxation of those transient lodgers. It seems that the first step in this piece if one was looking for additional resources would be to look at transient lodging as is implied in one of these staff reports. The two other pieces of the issue of transient lodging in the rural areas as well as in the growth areas and the issue of specialty areas like artist communities that could be listed as a use by special use permit are all linked and interconnected and there can be economic value through that holistic look at these issues. He thinks that is really what staff is outlining for us.

Mr. Morris noted personally he felt that Mr. Dotson hit it right on the head. It was kind of the middle of the road, but he sees this as more of what staff is recommending that they ask the Board of Supervisors to consider it when authorizing staff to work on items related to strategy 2d. It has got to be put on the back burner at this particular time.

Ms. Monteith commented that if they go the no direction route it does not mean that it can't be studied further at another time, which she thinks is worth mentioning. The other thing is she agrees with Mr. Dotson in that she is not convinced there is a correlation between historic structures and this use. Therefore, she did not think that should be the only vehicle in terms of how it should be studied. Coming from somebody who is mid-stream in the Rotunda renovation she can say that historic structures are very expensive. She thinks it is a beautiful idea; however, a use that does not have a robust financial model combined with trying to team it with historic structures seems challenging.

Mr. Morris noted there was no consensus.

Ms. Echols noted she has two people who believe they ought to ask the Board of Supervisors to get this in a priority order; two people who think that it should be studied at a later time with transient lodging; one person who thinks it is time to stop the study of it; and one person who did not weigh in. If Mr. Lafferty was to weigh in she wondered what he would say about these different options.

Mr. Lafferty said there are lots of ifs in this report and most of them are saying not now maybe sometime in future. His leaning would be to do it sometime in the future.

Mr. Morris asked staff to put up staff's recommendation, which is kind of what Ms. Monteith was saying that just because we say no it does not mean that it can't be taken up again.

Mr. Lafferty agreed.

Mr. Randolph said he was on the same page as staff's recommendation.

Ms. Monteith said in fact she thinks they can recommend that it is taken up again at some point in the future when the work load allows for it.

Mr. Morris noted it would also be without the historic issue.

Mr. Benish said he thinks what he heard was more of an interest that it should be tied to the transient lodging issue rather than historic. So if they modify that he asked if there would be a consensus for this finding.

Mr. Keller agreed that has been my argument all along.

Ms. Echols thanked the Commissioners. Staff will report that to the Board of Supervisors.

Mr. Morris thanked Mr. Smith for taking his time again.

The meeting moved to the next agenda item.

ZTA-2015-00013 Clifton Inn – Decide if a zoning text amendment should be undertaken to allow by special use permit building additions or new buildings for restaurants, taverns and inn, which historically have been used as such and are located within a designated historic landmark. (Elaine Echols)

Ms. Echols presented a PowerPoint presentation regarding ZTA-2015-00013 Clifton Inn. This is a request by Clifton Inn to allow for expansion of historic buildings to allow for expansions of uses.

Purpose of Work session:

- Decide whether to adopt a resolution of intent for ZTA
- Report decision to BOS in January so they can prioritize

Staff distributed a draft resolution of intent for the Commission's consideration. If the Commission adopts the resolution of intent, staff will report that to the Board of Supervisors in January so they know whether it should be studied now, later or at all. The Commission needs to be clear on what they want studied.

Similarities and Differences with other ZTA (ZTA-2014-00005 Resident Artist Community - prior agenda item)

Expansion of Historic Buildings for Inn or Restaurant Use

- Use is currently allowed (Not like Resident Artist Community)
- Rural Area use? (Maybe yes or maybe no?)
- Allowable use of a historic building (The use for historic inns and taverns is allowed in historic buildings)
- Building changes are not allowed, even though the use is allowed
- Expansion of existing buildings is proposed
- Construction of new buildings is proposed
- Use is available by special use permit (Unlike the Resident Artist Community)
- Should expansion of buildings for existing use be available? Another part of that question is for an intensification of the use should the buildings be allowed to be expanded?

- Should new construction be allowed in association with an expansion on a site that has a historic landmark?
- Should the ZTA proceed to the next step?

How to Consider this Proposal

Changes to historic buildings that operate as inn or tavern
- Should expansions or modifications of historic buildings be allowed for existing inns and taverns operating under special use permits?
- Should new construction be allowed on properties with historic buildings being used for inns and taverns, provided the use is not expanding?

Changes to historic buildings that operate as inn or tavern to expand the use
- Should expansions of use be allowed, given the fact that the BOS has said that it only wants lodging at the level of Bed & Breakfasts (B&Bs) (10 guestrooms)?
- Should the issue of expanding a lodging use be considered with other transient lodging or independently?

This was a particularly difficult set of issues to try and make sense of in a way that was understandable. We need to think of this in two ways. One, is the changes to the historic buildings that operate to existing buildings. The other is looking at changes that would intensify or expand that use. She was asked what that meant. An example of that might be where you have an existing use that is allowed by special use permit and they need to make some exterior or interior changes that are going to modify the exterior of the building, but it is not going to intensify the use. An example would be if you have a commercial kitchen and need a bump out for a freezer unit.

The last bullet is should this be explored with transient lodging or should it sit independently regarding the issue of expanding the use. Expanding the buildings staff thinks can be supported for an existing use because changes can be made to historic properties that don't damage the integrity of that resource. It has to be done very carefully and someone has to decide whether or not that is the case. Again, sometimes we have the Department of Historic Resources that does that, but not always.

Decide whether to adopt a resolution of intent for ZTA

If Yes
Changes to historic buildings (for existing use) **OR**
Changes to historic buildings that allow for expansion of use
If No
Consider at all?
Consider in conjunction with "transient lodging in the RA" or "other uses of historic structures"
Whatever the decision – report to be made to Board of Supervisors (BOS) in January

Staff Recommendation
- Adopt Resolution of Intent to allow changes to historic buildings (for existing use)
- Recommend to the BOS that expansions of inns or taverns be considered when transient lodging is studied or "other uses of historic structures" is studied

Currently transient lodging is very restrictive in the rural areas. The Board of Supervisors when going through the Comprehensive Plan discussed this at length; and, they concluded that our current Bed and Breakfast regulations are as far as they want to go for transient lodging. They talked about allowing for inns that worked in historic structures in the rural area, and the Board said they were not ready to go down that path. For those reasons staff cannot support an expansion of a use right now until there is discussion on how far does it go for these other uses. Perhaps there is an exception to that because of this use in a historic building. Staff thinks it is all tied up in transient lodging and should be studied together, which is our recommendation for the use. For the existing buildings, though, staff is okay with that being allowed to go through with a zoning text amendment resolution of intent. If adopted the

resolution of intent distributed is to allow the changes for the existing uses and not for expanding the uses.

Mr. Morris invited questions.

Mr. Lafferty asked how Michie Tavern figures into this. However, he knows they don't take guests.

Ms. Echols said that was a good question. She asked Ms. Maliszewski if she had anything to offer on that one and if it is a historic landmark.

Mr. Keller pointed out that use predates zoning.

Mr. Lafferty noted that it had moved from one place in the county to another. He noted that there was certainly some similarity.

Mr. Benish said Michie Tavern is an inn and restaurant so they could in the future fall under that. He believed that Mr. Keller is correct that they were established prior to these regulations so they are an existing nonconforming use. Under the way this ordinance is interpreted they were a former restaurant or inn so they are subject to these requirements as they stand right now. Therefore, their ability to expand any further are limited by the same restrictions that apply here.

Mr. Kamptner pointed out they don't have a special use permit and as a nonconforming use they are allowed only very minor incremental increases in intensity. Otherwise, they are kind of stuck.

Ms. Echols noted that Ms. Maliszewski was checking on whether or not this is a landmark because it has an interesting history where the building was moved. She did not remember whether it was listed in the Comp Plan.

Mr. Keller pointed out that four or five log structures have been brought on line in the last decade.

Ms. Echols explained the zoning ordinance defines those buildings that are eligible for this use and they have to be designated historic landmarks and would be either the National Register or the State Register. It would only be the ones that are recognized on the State and National Register and Michie Tavern is. So they have answered that question.

Mr. Benish said he did not know about the new buildings and how they were added. The only thing added that he was aware of is a parking area off-site for buses that relates to the activity, but it is not on the site.

Mr. Kamptner noted that there might have been a zoning text amendment that expressly allowed that parking situation.

Ms. Echols noted there was a zoning text amendment and a special use permit for that.

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

Katurah Roell, representative for Clifton Inn, said it is a historic structure. In regards to this particular application the owner started some years ago with some architects presenting some plans and talking to zoning, had some sketches done, sent some things to the Department of Historic Resources (DHR) and kind of wandered and did not proceed. They recently approached it back early this year and came up with a concept to put some additions on the existing building that we thought might be permitted. Once they came up with those designs we sent them off to DHR and received an approval from them for the continuation of the design. Hank Brown did the designs. In no way we were affecting the existing inn itself, the main house. But, there are other cottages and outbuildings that we look to replicate and add additional rooms given that there are only 14 rooms right now. There is a great demand to go there. If there is an event we are turning people away. For instance, we house the wedding party. By creating a

small court yard of matched structures following the architecture that Mr. Brown came up with that DHR approved, we then submitted the concepts for some additions to the county. The additions were all interconnected, but not to the main house itself. Mr. Kamptner then reviewed with zoning staff and came to the determination that no improvements and no expansions were permissible the way the current zoning text was written. So here we stand now looking to modify that language to find some mechanism to allow for enhancement and an addition of this piece of land. It is almost 98 acres and sits between the river and Glenmore and fronts on 250 and Milton. Even though it is in the rural area it is very close and accessible. So it is our hope that the Commission might find some understanding and let this be studied further so the additions and improvements approved by DHR and the ARB for the historic resources so those entities maintain that historic quality of the new buildings to be constructed and allow for some economic growth both for the community and for the inn itself. The restaurant itself serves 50 meals in an evening with only 14 residences. So more rooms are needed. There is a desire for it because people come from around the country and world to visit this very historic place in the state and Albemarle County. Our intent is to only improve that enhancement and add to the economic development of the community itself and the draw tourists to this area.

Mr. Morris invited questions for Mr. Roell.

Mr. Dodson asked if his interest here is not in expanding the main historic house, but in adding additional overnight capacity.

Mr. Roell replied yes, it would be single floor, attached structures that replicate some of the outbuildings that already exist on the property mimicking the architecture and literally creating a small courtyard effect around the center of an open field that is on the property. So they have laid it out in a very tasteful manner in the site plan and presented it to several Board members who were actually disappointed that it could not get to them. That is what prompted this amendment.

Mr. Dotson said if the Commission was to adopt the first bulleted item what he is hearing is that would not help accomplish their purpose.

Mr. Roell replied it is probably poorly worded to adopt a resolution of intent to allow changes to historic buildings because the minor modifications that staff spoke about certainly come into play. When a minor improvement needs to be made to a building to update it to meet health codes or practicals the intent is to actually build new buildings that are attached or additions to smaller historic structures, but not the main piece of the historic house. All the property is of a historic landmark so they are looking to make additions or modifications to the historic property in the form of appropriate bedrooms.

Mr. Loach asked if it was for ten bedrooms.

Mr. Roell replied yes, it was for ten bedrooms and in other words to provide more bedrooms. So you would have some bedrooms, some living rooms and additional small suites that would be added to the property along its perimeter to accommodate more rooms.

Ms. Monteith said she was trying to understand since the proposal is not to amend an historic structure what the issue is.

Mr. Roell replied they were not allowed to add anything to an historic property. So once it becomes an historic property then no additions, improvements, or anything. But, they are allowed to use the existing.

Ms. Monteith said she did not understand that.

Ms. Echols noted the request was for expansions, additions and new construction on historic buildings. The site has a relevance to the particular historic building, and the request was to allow additions and expansions for new construction on the site.

Mr. Randolph said as a follow up to that, my understanding when you met with Supervisors Boyd, Supervisor Dittmar and the Chair of the Planning Commission that you were also planning in the future on this site to have a closed dance facility for a wedding function some time.

Mr. Roell replied right now the function is under a tent and they were looking to possibly incorporate an enclosed structure for more seasonal events. However, that would be further down the road and not a part of this application.

Mr. Randolph noted this would also involve expanded septic and you would need to enlarge the septic system which drains very close to Keswick Lake.

Mr. Roell said they would have to meet all the current Health Department regulations. However, it would be on the back side and they have plenty of acreage so the lake is protected.

Ms. Echols noted the only way this use is allowed right now is inside the building. The historic buildings can be used for inns and restaurants. It is just the buildings and right now that is the only way this use can exist in the rural area.

Mr. Benish said the only way you can have this type of lodging is if it is within that historic building. They cannot make any adjustments to that building period under the way the ordinance is interpreted.

Mr. Lafferty asked how about the cottages all around it. He asked if he was talking about a detached building.

Mr. Roell replied that there are other detached buildings that will be functioning as current rooms.

Ms. Echols noted there were X number of rooms that have been approved as shown in the staff report, and she thought all those rooms were inside the main structure.

Mr. Roell said there are two other buildings, one has three and the other has four units.

Ms. Echols pointed out staff needs to look into that a little further.

Mr. Benish said staff will have to go back and check. If they were part of the historic designation, then they can be used; but, they can't add new buildings or expand those buildings for this use. That is the quandary the applicant is in right now. So the first step is to allow some expansions that Ms. Echols has recommended that allows them to expand the building to keep their capacity and keep it modernized. In the example of a modern refrigerator you may need to bump out the building because you can't fit it into the old building. But, what they want to do is actually add capacity. So that type of an expansion is the next step which the current ordinance structure limits the size of that use to the existing building. He imagined that was a way to keep that size ratcheted down to that building itself to preserve that building.

Mr. Morris asked Mr. Roell if he had any idea of when those accessory buildings were constructed.

Mr. Roell replied no, other than very early last century.

Mr. Morris said so they could be definitely a part of the historic designation.

Mr. Benish pointed out Ms. Maliszewski was nodding saying they were probably contributing structures to the main building.

Mr. Roell noted one was a cook house and one was a livery.

Mr. Lafferty said they picked a good architect because he is nationally known for restoration.

Mr. Roell pointed out DHR was extremely pleased with the designs. The designs were very low key and mimic the existing buildings from window style to roof line to metal and so forth. They were very pleased with the approval.

Mr. Lafferty asked if Clifton is visible from Monticello.

Mr. Roell replied yes, with a telescope.

Mr. Lafferty noted that it puts it in the Monticello Viewshed.

Mr. Roell said the owner of Clifton Inn likes the fact that they can also see Monticello. The owner of Clifton Inn is here if there are any questions in particular about uses, the building or the structures.

There being no further questions, Mr. Morris invited public comment.

Neil Williamson, with the Free Enterprise Forum, said as you know they don't take positions on projects and his comment is really much more towards process. He read the Historical Committee's minutes and noted that someone recognized that Monticello required a zoning text amendment in order to build their tourism center. It seems as though that is an expansion of what Monticello was doing. It seems that this is a citizen company that has an expansion and he would hope that the same level of integrity was exhibited to their business as the Thomas Jefferson Foundation. He believed that it is an issue they are going to be wrestling with for some time in how to deal with these types of things in the best way. One of the challenges of the Planning Commission is that you don't have economic development in your wheelhouse and it seems as though this is about keeping the rural areas economically sustainable. He encouraged the Commission to review this with all deliberate speed. In reference to Mr. Randolph's point on the previous zoning text amendment, he noted that this is a citizen driven $1,000 paid zoning text amendment, so he would strongly encourage you to give it its due.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Planning Commission for discussion and action.

Mr. Randolph said he really liked what staff has recommended, but there is one bullet missing about who is the responsible party from an organization standpoint. Is it the Historic Preservation Committee (HPC), Architectural Review Board (ARB) or the Planning Commission that is going to provide the oversight in the evaluation process on this? We need the definition of who the entity will be. He thinks that is another issue here for us because it just does not seem to fit in the existing paradigm of organizations as to who is responsible.

Ms. Echols replied that would be something worked out with the ZTA. Right now it is not clear who could and who should.

Mr. Morris said personally he would like to see the Commission go ahead with the resolution of intent because anyone who has been out to Clifton Inn knows it is a wonderful operation and it just seems that here is an opportunity for a business within Albemarle County to expand. If it can expand in a tasteful way he personally would love to see it.

Mr. Randolph supported it because he was happy to see a business in the Scottsville District growing and meeting market demands.

Mr. Dotson questioned the draft resolution of intent. As he was reading it the Planning Commission would adopt the resolution of intent and then staff would begin to work on it. The next time it would go to the Board of Supervisors would be after that work had come back to us and we sent them a recommendation. It seems instead that we should be recommending that the Board adopt the resolution of intent.

Ms. Echols replied that the Planning Commission can adopt the resolution of intent and make that recommendation to the Board. However, the Board is the one that who has to then prioritize it for us. In

the past we have done it where we proceeded with an application on an applicant driven basis. What we found is that sometimes those zoning text amendments compete with the priorities that the Board has set. So they are trying to get it prioritized correctly. She noted that the resolution of intent is not written for expanding the use so they need to revise that resolution of intent if the Commission believes this should be pursued. Staff will report that to the Board and let them say okay this has a high priority or it does not.

Ms. Monteith said she was still a little bit confused and asked about the example of Monticello and their new visitor center. Not only is that an important historic site but it is a UNESCO World Heritage Site. So how was it that they were able to move forward with their visitor's center, just as an example?

Mr. Kamptner replied that they are in a different zoning district, the Monticello Historic District, which is a planned district. So they came through by amending their application plan, which showed the structure. That district actually has a little more flexibility.

Ms. Monteith said it is district specific then.

Mr. Kamptner replied yes, Clifton Inn is in the Rural Areas District and all of the lands that are owned by the Monticello Foundation are in the Monticello Historic District.

Mr. Benish noted there are one or two property exceptions. However, almost everything they own is in that district and subject to a plan of development.

Ms. Monteith said what she thinks she just heard Ms. Echols say was the text they have in front of them does not exactly address what the applicant is interested in achieving. She asked is the recommendation to alter the text to allow for something along the lines of what they are trying to achieve.

Mr. Kamptner noted that he had the electronic version. If the Commission wants to look at the last whereas clause the second to the last line which begins with the word structure that can be modified beginning after the coma and just state, "and does not damage the integrity of the historic resource" and then that last clause and "does not otherwise expand the restaurant or end use itself" would be stricken.

Motion: Mr. Keller moved and Mr. Randolph seconded to adopt a resolution of intent with the modification as recommended by Mr. Kamptner.

Mr. Morris noted the motion was to adopt a resolution of intent with the modification that Mr. Kamptner mentioned by striking the last phrase, "and does not otherwise expand the restaurant or inn use itself." He asked if that was correct.

Mr. Keller agreed.

Mr. Dotson asked how does what we have written here compare to what they have on the screen.

Ms. Echols replied that the original resolution of intent distributed only addressed the first bullet. Staff's recommendation was that it be considered with transient lodging because it is similar to many of the other issues related to transient lodging. Staff will take whatever the Commission wants to recommend to the Board of Supervisors. There is a possibility that the Director of Community Development may mention that transient lodging is where it belongs because he believes it is where it belongs from a staffing resource standpoint. But, the Board has got to prioritize for us. Mr. Randolph will be part of that deliberation starting in January, and one of the really good things is he is able to convey what this conversation was and what your intent was.

Mr. Benish said if the Commission wants to provide the Board of Supervisors some other recommendation about scheduling that might be quicker than staff's recommendation this would be the opportunity for this Commission to say that. From staff's evaluation it looked like it related to the transient lodging discussion.

Mr. Loach said that was to go in 2018.

Ms. Monteith suggested if there was a way to decouple the transient lodging so this does not have to wait until that time it would make sense.

Mr. Morris noted there was a motion on the floor to adopt the resolution of intent as modified. There being no further discussion on that motion he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

The following resolution of intent for ZTA-2015-00013 Clifton Inn was adopted:

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance authorizes restaurants and inns by special use permit in the Rural Areas zoning district if the restaurant or inn is within an historic landmark designated in the Albemarle County Comprehensive plan, the structure has been used as a restaurant, tavern, or inn, and the structure is restored as faithfully as possible to the architectural character of the period and is maintained consistent therewith; and

WHEREAS, the requirement that the historic structure be restored and maintained as faithfully as possible to the architectural character of the period prohibits changes to the exterior of historic structures used as restaurant or inn; and

WHEREAS, Objectives 1 and 2 of the Historic, Scenic, and Cultural Resources Chapter of the Comprehensive Plan establish policies of identifying and recognizing the value of historical structures and pursuing protection measures and incentives to preserve historical resources, respectively; and

WHEREAS, Strategy 2b of the Historic, Scenic, and Cultural Resources Chapter of the Comprehensive Plan is to continue to find ways to preserve historic structures and sites so that they are financially viable for property owners, and Strategy 1c of the Economic Development Chapter in the Albemarle County Comprehensive Plan is to promote tourism that helps preserve scenic, historic, and natural resources; and

WHEREAS, allowing expansions and modifications to historic structures in which restaurants and inns are operating as described herein could enhance the economic viability of the structures and help to improve tourism by preserving and protecting the County's historic, cultural, and scenic resources; and

WHEREAS, it may be desirable to amend the Zoning Ordinance to allow by special use permit the expansion or modification of the exteriors of historic structures in which restaurants and inns are operating as described herein, provided that the expansion does not affect the historic designation of the structure, and does not damage the integrity of the historic resource.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3.1, 18-5, 18-10, and any other appropriate sections of the Zoning Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

Mr. Morris noted the second motion would be to recommend to the Board of Supervisors that an expansion of the inns and taverns be considered when transient lodging is scheduled or other uses of historical structures as studied because right now that is 2018.

Ms. Echols suggested the Commission was thinking that it should go sooner and that would not be the second bullet. It would be a motion to request that the Board give it a higher priority than what it has now for 2018.

Mr. Benish asked to keep in mind that the Board would make that decision, but if the Commission wants to provide some recommendation or advice as to scheduling this would be the opportunity to do that.

Mr. Randolph said he thinks the public record tonight is going to have enough context to make the Board aware of the rationale behind the thinking of the Planning Commission for expedited resolution for transient housing policies.

Ms. Monteith said what she mentioned is not a motion. It is just if they want to decouple the language of the transient lodging from this particular item so that if it the transient lodging is not addressed until 2018 this is not held hostage.

Mr. Keller said he believed they just made that decision with what they just voted on. He asked if that was the way others interpreted it.

Mr. Benish noted the resolution just says you want to move forward with it. It then goes to the Board of Supervisors and the Board is going to weigh all of the ZTA's and they will advise on what schedule they feel is the best. What the Commission has the opportunity to do is leave it to the Board to decide what to do with the priorities, but if they had anything in particular to recommend regarding this particular ZTA about scheduling, this is your opportunity to do it. However, the resolution does not have a time fame on it.

Mr. Keller asked if the first motion should be modified because he needs to understand why the first motion is not accomplishing that.

Mr. Dotson explained the first motion does not deal with uses.

Ms. Echols pointed out that the first motion does allow for the expansion. She suggested the cleanest thing would be to say the Commission wants this to have a higher priority than transient lodging currently has; you don't feel like it should necessarily go with transient lodging; and, it could proceed more quickly. She asked if she was hearing that correctly from the Commission.

Mr. Benish said that was what it sounded like they were hearing from the Commission.

Mr. Loach said as long as the Board understands that the transient lodging is being elevated above other projects like the first one they just discussed. Essentially, he did not see too much difference between them given this priority.

Mr. Morris asked if the Commission would like to use the wording that Ms. Echols said as a motion.

Mr. Randolph moved to make a motion to use Ms. Echols wording.

Mr. Lafferty seconded the motion.

Mr. Morris invited discussion.

Mr. Dotson asked that the motion be repeated.

Ms. Echols reiterated that the Commission recommends this be given a high priority and not necessarily be on the same schedule as transient lodging and potentially to be on a more expedited schedule.

Mr. Dotson agreed that was clear.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted that the resolution of intent with the recommendation for a more expedited schedule would go forward to the Board of Supervisors.

Old Business

Mr. Morris asked if there was any old business.

a. Discussion of Affordable Housing Policy – Planning Commission Recommendation to the Board of Supervisors

Mr. Morris noted that Mr. Benish had put together something that hopefully the Commissioners had a chance to review regarding the Affordable Housing Policy. They have been playing with this for quite some time. He thinks tonight made it extremely obvious why the whole question of housing needs to be dealt with extensively. It does not just apply to affordable housing, but everything they did tonight was housing in one form or the other. Mr. Ron White, Director of Housing, has put together a tentative outline for review of primarily the affordable housing policy and implications. In our discussion we went into the other areas. But, it seemed that this was an opportunity tonight to take a look at this to make any modifications that you might want to and then kick the can to the new Planning Commission and have Mr. White come back in and have a work session.

Mr. Lafferty asked if he wants to limit it to the chair and vice chair as stated.

Mr. Morris said he recommended that change because that has been a way of getting buy in very quickly. Once the new Planning Commission selects their chair and vice-chair they can arrange a meeting with the chair and vice-chair of the Board and kind of outline where we want to go. If the Board of Supervisors leadership does not buy into it, then he just thinks the new Planning Commission is just spinning. It is a very nice way of establishing rapport between the two new bodies and we can move forward. That would be my recommendation.

Mr. Benish clarified that he did not think that a comprehensive update of the housing policy is yet on Mr. White's schedule. So part of the idea is that the Planning Commission would be putting forth a request to the Board of Supervisors to give that more priority, which essentially is what this boils down to. He thinks what Mr. White identified are a few things that we could do in the interim that might be useful. So there are some things that we could work on that are identified here; however, the bulk of the work would be something that the Board is going to have to agree to and try to fit into their future work program. Mr. White has some time to do some of those triage or interim items. However, right now there is not much staff time and very little in our work program is dedicated to updating the Housing Policy.

Mr. Morris said the new Commission is going to be in even a better position to look at this simply because of the talent that you are going to have coming on as new Planning Commissioners.

Mr. Lafferty said he was on a committee that looks into this and a person from Charlottesville has said she would be very much interested in seeing what we are doing.

Mr. Morris said that was a very good idea that they have talked about.

Mr. Randolph said he thought Mr. Morris' idea was good and a good outline. In January he will certainly advocate on supervisor level that we put together a citizen's committee dealing solely with housing and affordable housing being part of that. They could do the kind of study that was done on solid waste and storm water and make recommendations. Part of my recommendation will be that we look very closely at a way of trying to have as much as possible integrated policies with the city in a comprehensive study. He thinks as a first step Mr. Morris' suggestion is excellent to get it started with a new Planning Commission and Board in January, and then see where both bodies want to take it from there.

Mr. Morris suggested that this needs to be pushed into 2016 and the decisions made by the new Planning Commission and the Board. He asked if there was any disagreement on that.

Mr. Dotson suggested if they mean 2016 that they say it instead of just short term.

Mr. White said that he did not have anything to add. As you see from this work plan we point out some issues that we want addressed like what are the priorities that are a key issue. He thinks with the new Commission coming on board in January that is probably the place to start with that discussion. He was leaning on the folks that are here including the ones who will be leaving the Commission to help educate the new folks that are coming on. That certainly would be helpful to us.

Mr. Morris invited public comment.

Neal Williamson, with the Free Enterprise Forum, said while appreciating this lame duck Planning Commission's interest in focusing in on affordable housing on the last meeting in December he was concerned the discussion is misplaced and should be the focus of the elected Board of Supervisors sworn in today. Many of the tougher questions are far outside the mission of the Planning Commission. Thirty-five years ago this month we lost a great talent, John Lennon who asked us to imagine. Opening the affordable housing lens far beyond the scope of the Planning Commission he would ask the Commission to also use their imagination.

- Imagine if Albemarle County followed state law and reduced the cash proffer policy or better yet eliminated this unreliable, unfair welcome stranger tax. How would that impact affordable housing?
- Imagine if Albemarle County considered affordable rental units, apartments, and homes as part of the affordable housing stock. How might this reflect the reality of affordable housing, not affordable home ownership.
- Imagine if Albemarle County, perhaps working with the Albemarle Housing Improvement Program invested in keeping the existing affordable housing stock in good repair. How might this small investment impact the amount of affordable housing online?
- Imagine if Albemarle County loosened their restrictive grip on 95% of their land mass and expanded their development area and increased the supply of buildable lots. How would that impact the cost of lots?
- Imagine if Albemarle County encouraged transitional areas on the edge of development areas for modular housing. How would that affect the affordable housing supply?
- Imagine if Albemarle County invested in community land trusts that kept housing stock affordable for generations rather than the current unsustainable inclusionary zoning model that makes 85% of new homes less affordable. This misguided policy rewards the affordable housing proffer lottery winner with all the appreciation gains. How will this change in strategy impact in the length of time a home stays affordable?
- Imagine if Albemarle County reduced the bureaucratic red tape and regulatory hurdles to rezoning approvals where a project could be approved in 6 months rather than 24 thus reducing the carrying cost. How might that affect affordable housing?
- Imagine if Albemarle County had a large amount of appropriately located and designated light industrial land that could provide good paying career ladder jobs. How might that affect the demand for affordable housing? Yes, there are ways to improve Albemarle County's situation. Regulatory reform and proffer reform seem to be in the Planning Commission's headlights and that seems to fit within your scope. Larger issues of increased economic vitality and job creation are better suited to the new Albemarle County Board of Supervisors. He must admit that he remains cautiously pessimistic that an aggressive economic development plan is a major plank of the new Board's agenda. He can't tell you how much he hopes he is wrong, but perhaps he is the one that needs a little more imagination.

The discussion ended since there was no further public comment. In summary, the Commission recommended the affordable housing policy issue be pushed into 2016 and decisions made by the new Planning Commission and Board.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- 2016 Planning Commission Public Schedule Review – to be adopted in January

Mr. Benish asked the Commissioners to review the 2016 schedule to be ready to come back at the first meeting for adoption.

- THERE WILL BE NO PLANNING COMMISSION MEETING ON TUESDAY, DECEMBER 22, 2015, DECEMBER 29, 2015 AND JANUARY 5, 2016.

- THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, JANUARY 12, 2016.

Adjournment

With no further items, the meeting adjourned at 9:30 p.m. to the Tuesday, January 12, 2016 Albemarle County Planning Commission meeting, 6:00 p.m., County Office Building McIntire, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Secretary

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