Albemarle County Planning Commission
March 20, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, March 20, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Karen Firehock, Jennie More, Julian Bivins, Daphne Spain; Pam Riley, Vice-Chair, Bruce Dotson and Bill Palmer, UVA representative. Commissioners Riley and Firehock arrived at 6:02 p.m.

Other officials present were Cameron Langille, Senior Planner, Elaine Echols, Chief of Community Development; Heather McMahon, Senior Planner; Elaine Echols, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

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

The meeting moved to the next agenda item.

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

Mr. Keller invited comment from the public on other matters not listed on the agenda.
Hearing none, Mr. Keller said the meeting would move on to the public hearings.

Public Hearing Items

a. <u>SP-2017-00019 1640 Seminole Trail Auto Dealership</u>
PROPOSAL: To establish an auto dealership with outdoor display/storage/sale of vehicles
ZONING: Highway Commercial - commercial and service; residential by special use permit (15 units/acre)
COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) - commercial and retail uses that are not accommodated in Centers in Neighborhood 1 - Places 29.
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
LOCATION: 1640 Seminole Trail
TAX MAP/PARCEL: 061000000120P0
MAGISTERIAL DISTRICT: Rio
(Heather McMahon)

Ms. McMahon summarized the request for SP-2017-00019 1640 Seminole Trail Auto Dealership in a PowerPoint presentation. This is a request for a Special Use Permit for outdoor storage, display and/or sales of vehicles in the Entrance Corridor; a special use permit is required specifically because the site falls within the Entrance Corridor Overlay District.

The vicinity map shows the subject property, TMP 61-120P, which is highlighted. The rectangular, half-acre site holds a one-story building (built circa 1970) that did LoanMax Title Loans occupy most recently and prior to that Pigskinz BBQ and the New Deli & Grill occupied it. The parcel lies on the west side of Seminole Trail (Rt. 29 North), approximately 300 feet southwest of intersection with Rio Road West. Both Rt. 29 and Rio Road are designated Entrance Corridors, but this proposal was reviewed for its impacts on Rt. 29 (it is not expected to have impacts on the Rio Road Entrance Corridor).

Although a special use permit is required for the outdoor storage, display and/or sales of vehicles, this use is accessory to motor vehicle sales and motor vehicle sales is by right within the Highway Commercial zoning district. As you can see on the map this is the zoning district for this parcel so you are not considering the general motor vehicle sales use today. The outdoor display aspect is under consideration.

The purpose of requiring a special use permit requirement for outdoor storage, display and/or sales of vehicles is to allow for review the potential visual impacts of the activity on the Entrance Corridor. Section 30.6 of the Zoning Ordinance states that the intent of the Entrance Corridor Overlay District is to ensure quality development compatible with the County's important scenic, historic, and architectural and cultural resources and Entrance Corridor Design Guidelines have been adopted to help meet that intent. The predominant character of the Rt. 29 North corridor is that of a commercial strip. The commercial corridor also includes the Colonial Auto, Jim Price, and Umansky Dodge Chrysler Jeep auto dealerships farther north and Brown Collision Center south of the subject parcel. These developments include outdoor storage, display and/or sales of vehicles and this request is compatible with these businesses.

The next slide shows the applicant's concept plan. The majority of the site is dedicated to parking, including:

- 3 display spaces adjacent to Rt. 29,
- 4 customer spaces in front of the building (including one handicapped parking space),
- 3 employee spaces at the rear of the lot,
- 2 vehicular storage areas, which include:
    - 3 inventory spaces to the north of the building, and
    - 3,440 square feet of inventory in rear (western portion) of lot.

The Architectural Review Board has applied the County's Entrance Corridor Design Guidelines to the review of this request. The ARB had no objection to the request for the Special Use Permit with conditions, which are related primarily to the location of parking and the method of screening. In particular, the ARB requested additional landscaping on the southern and eastern (Rt. 29 frontage) property lines to meet EC Design Guidelines, which the applicant has met in the proposed concept plan.

In summation, the ARB has reviewed the proposal and has recommended approval with the following conditions.

1. Use of the site shall be in general accord with the concept plan "SP2017-19: 1640 Seminole Trail Auto Dealership (TMP 06100-00-00-120P0) – Application Plan," last revised January 29, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall:
    a. Reflect the general size, arrangement, and location of the vehicle display and storage areas, which shall be striped/marked in the site;
    b. Preclude any vehicle display and storage areas from being located on any existing grass or landscape areas;
    c. Reflect the landscape plan with the final selection of plant species subject to approval of the Director of Planning or his designee;
    d. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. Vehicles shall not be elevated anywhere on site.

With these conditions of approval, the visual integrity of the corridor will be maintained.

Factors Favorable:

1. The request is consistent with the Comprehensive Plan.
2. The Architectural Review Board has reviewed the request and has recommended no objection, with the recommended conditions.

No unfavorable factors were found.

Staff is recommending approval with the conditions listed in the staff report and on the screen.

Ms. McMahon asked if there were any questions.

Mr. Keller invited questions for staff.

Mr. Dotson asked because this is in the Entrance Corridor would signs have to go before the Architectural Review Board in addition to their normal staff clearance.

Ms. McMahon replied yes, there would be a separate sign application that ARB staff will likely review that administratively.

Mr. Keller opened the public hearing and invited the applicant to come forward.

Tim Carson, with Real Estate III said he was present with Scott Collins, the engineer.

Scott Collins, engineer, said we are here tonight just to answer any questions the Commission might have on the application since Heather did a great job of summarizing the staff report. He said Heather and Margaret have been great to work with on this project and agree with all comments for ARB approval. He said they are ready to talk about the project and answer questions.

Mr. Keller invited questions for the applicant.

Mr. Dotson said the use as described is a dealership and asked the auto make or if it will be used cars, and Mr. Collins replied it would be used cars.

Mr. Bivins questioned since it says you will do no auto repair on the property if there are guarantee issues or things that happen to a car which is sold there where will that be done.

Mr. Shokhzada Ismailova, business owner, said he had another business across town on Belleview Avenue that specializes in auto repair that will be our repair facility for preparation or warranty work.

Mr. Bivins asked if this was just a show site; and Mr. Ismailova replied yes, this site is for sales.

There being no further questions, Mr. Keller invited public comment. Hearing none, Mr. Keller invited questions for the applicant. Hearing none, Mr. Keller closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Dotson said he was prepared to make a motion if there was no discussion.

Mr. Dotson moved to recommend approval of SP-2017-00019 1640 Seminole Trail Auto Dealership Outdoor Storage and Display with conditions outlined in the staff report.

Ms. More seconded the motion.

The motion was approved by a vote of 7:0 with the conditions recommended by staff in the staff report as shown in the slide.

Mr. Keller noted that the recommendation would be forwarded to the Board of Supervisors to be heard on a date to be determined. Mr. Keller complimented staff on the staff report and presentation.

b. SP-2017-00010 City Church

MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL(S): 06100-00-00-153A1
LOCATION: 1010 and 1012 Rio Road E, Charlottesville, VA 22901
PROPOSAL: Amend existing special use permit, SP200400045, to remove the existing 10,400 sq. ft. church building and replace with a new two-story church building with a gross floor area of up to 43,000 sq. ft. The application also proposes reconfiguration of the existing parking lot and additional parking spaces.
PETITION: Religious assembly in the R4 Zoning District on a 4.23-acre parcel under Section 15.2.2.12 of the Zoning Ordinance. No dwellings proposed.
ZONING: R4 Residential (4.0 units/acre)
OVERLAY DISTRICT(S): Airport Impact Area, Steep Slopes – Managed
COMPREHENSIVE PLAN: Urban Density Residential which allows residential uses (6.01 – 34 units/ acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places 29 Master Plan.
(Cameron Langille)

Cameron Langille summarized the staff report in a PowerPoint presentation.

This is a proposed special use permit for a religious assembly use on a property that is zoned R4 Residential. It is identified as tax map parcel 61-153A1 and the property address is 1010 Rio Road East. This is property is located on the south/west side of Rio Road East directly across from the intersection of Belvedere Boulevard and Rio Road. The property measures 4.231 acres. Right now, the property is occupied by City Church. The existing structure has a footprint of approximately 6,300 square feet. It is a two-story building and the overall internal square footage is approximately 10,400 square feet. It has two existing driveway entrances onto Rio Road East. An accessory classroom structure is located at the rear of the existing parking lot. The property is zoned R4 residential. It bordered on its west side by Norfolk Southern Railroad; to the south by the Charlottesville-Albemarle Technology Education Center (CATEC) which property is zoned R4; across Rio Road from City Church is the Belvedere Subdivision, which is also zoned R4; and then to the northwest is the Covenant Church of God property, which is zoned CO Commercial Office. The map shows the overlay districts on this property. It also has managed steep slopes.

The next map shows the land use classification from the Places29 plan. This property is located in Neighborhood 2 of Places 29 and it calls for Urban Density Residential land use classification. That means residential units between 6.01 units and 34 units per acre, but supporting uses such as religious institutions are also uses that we would see in Urban Density Residential areas. So religious assembly use does fall within the religious institution, of course.

In regards to details for this proposal this is actually an amendment to an existing special use permit, SP-2004-045, which allows the current City Church to occupy this property. They are proposing demolition of the existing building and portions of the parking lot, reconfigure the parking lot, and then construct a new building. The new building will have a footprint of 21,450 square feet and it will be a two-story structure so the overall total square footage could be up to 43,000 just depending on how they configure it internally. The new parking lot will be about 200 parking spaces; the existing parking lot has 71 parking spaces, which sounds like a lot of new parking added. However, they are proposing to do about 68 spaces underneath the building that will not be visible from Rio Road. In terms of utilities, they will be connecting to ACSA water and sewer. One interesting detail of this proposal is the applicant is proposing to have a potential interconnection between the CATEC property and their parking lot.

Next is part of the application plan submitted by the applicant that shows the existing conditions. Again, two entrances serve City Church right now and the building is in the center of the parcel. As you can see, the parking is located north and south of that building. The proposed layout of the site once it is redeveloped is shown on the next slide. They are going to maintain the two entrances onto Rio Road, which has been reviewed by VDOT. The applicant actually did a turn-lane warrant analysis and they submitted an access management exception request because these two entrances do not meet the minimum distance that VDOT calls for commercial driveways along

Rio Road. It is about 80 feet short of the minimum separation that they want to see. However, the applicant has agreed to make the southern entrance a right-out only entrance and that addresses all of VDOT's concerns for safety of vehicular travel into and out of the site.

The parking will be a little more substantial with additional internal travelways in the center of the site. They have called out the potential for the interconnection with the CATEC site and basically, the pavement of the new parking lot will abut that property line so if CATEC ever gets redeveloped an actual interconnection will be encouraged be made at that site.

Staff recommends approval of this special use permit. There is currently a religious assembly use on the property; this is a total site redevelopment and most of the details of this proposal meet what we want to see for the Neighborhood Model principles in our development areas. The only concern that staff really had is the applicant has not hired an architect yet to do building plans so we do not know what the exterior of the structure would look like. In terms of buildings and spaces of human scale, which is one of the Neighborhood Model principles, we were just not able to make totally a favorable determination that this proposal would meet that. However, the applicant has agreed to a condition that we feel will ensure that the new building has some architectural details and features which meet that principle. We've vetted that condition, which is bolded here as condition #2 with the County Attorney and we think that will enable us to get the building to look like what we want to see when it comes time for the site plan and building plans.

There is one change that needs to happen to one of the conditions, which is condition #5, as shown. This property with this new proposal staff have been reviewing under the residential non-infill setbacks, not commercial setbacks, and that was a mistake in the staff report saying that this should meet the commercial setbacks. Therefore, that is just a clarification that staff wants to see. It does not cause any changes to have to happen to the application plan that you have been reviewing and seen in the staff report.

Mr. Langille said that being said he has the recommended motions on the screen and if the Commission has any questions for staff, he would be glad to answer those at this time.

Mr. Keller invited questions for staff.

Mr. Dotson asked if this site is not in the Entrance Corridor; and Mr. Langille replied that was correct; this is actually outside the Entrance Corridor.

Mr. Dotson said the Comprehensive Plan calls for this to be considered part of the Entrance Corridor and last week the Commission adopted a resolution of intent to move forward with that. He asked if that was correct.

Ms. Echols replied that she did not know if the Comprehensive Plan calls for it to be in the Entrance Corridor; there may have been a consideration and so what you had talked about last week could apply to this but it is not there yet.

Mr. Dotson said consideration is the word that is in the Comprehensive Plan.

Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Chris Becker, the Operations Pastor at City Church, said he was glad to be here and present this process and was willing to answer any questions.

Mr. Keller invited questions for the applicant.

Ms. Spain said it seems like there is a lot of work to be done within the three-year window that would apply with this permit that we would be allowing the permit to go forward. She said the description given on how the money will be raised is it would all be from the congregation and asked if they are anywhere near your goal.

Mr. Becker replied that they have not started that process just yet, but wanted to make sure before we presented it to the congregation that we had approval. He said if we do not have approval for the project, there is no need to raise money.

Ms. Spain asked if they would be able to raise the money, raise the current building, hire an architect and get the other building up within that three-year window.

Mr. Becker replied that he thinks it could be a challenge for sure but he thinks they can as well.

Ms. Spain thanked Mr. Becker.

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

Neil Williamson, with the Free Enterprise Forum, said the Free Enterprise Forum does not take a position on projects and we have no position on this project. However, we have seen a couple of times the addition of architectural elements in conditions for a special use permit. In this case, yes it is envisioned that this part of Rio Road be considered to be part of the Entrance Corridor. There is a process for that and the first step in the process has been taken by the Commission recommending a resolution of intent to make that Entrance Corridor. However, that is not the case today. He said this application or any other application that comes before you should not have architectural elements demanded of it under the guidance of Neighborhood Model principles since it is a special use permit and what should be considered under that special use permit is rather restrictive to make it fit. Mr. Williamson said he thinks a lot of this project is great and is concerned about this body, not the ARB, weighing in on architectural elements. Thank you for your time.

There being no further public comment, Mr. Keller asked if the applicant had anything to add. Hearing none, he invited questions for the applicant. Hearing none, Mr. Keller closed the public hearing to bring the matter back to the Commission for discussion and action.

Ms. Firehock said she was not clear why you made that change to the staff conditions regarding residential setback requirements.

Mr. Langille replied typically when we have a religious assembly use that is in a zoning district that is required to be a special use permit we apply certain standardized conditions. One of those is being that church is not a residential use and if a religious assembly use is adjacent to an existing neighborhood or if it is in the rural areas we try to apply those commercial setbacks just to provide some more separation between the uses. In this case, when the applicant came in for the pre-application meeting about a year ago they had their concept plan with the setbacks you see on it right now. Mr. Langille said based on this property's location to the jurisdictional boundary between the city and county, as well as the adjacent uses on the same side of Rio Road, Planning and Zoning Divisions felt that the application of non-infill R4 setbacks would be better suited for this site.

Ms. Firehock asked if it is just the conditions in which that site is setting, and Mr. Langille replied yes.

Ms. Spain asked if the applicant could not fulfill the building of the new church within three years what is the next step for them. She asked could they apply for an extension of that deadline.

Mr. Langille replied yes.

Ms. Echols pointed out alternatively the Commission could recommend a longer time period be given and that has happened a lot in the past. She said if the Commission wanted to extend it up to five years you could recommend that.

Ms. Spain said that makes sense and did not think it would affect the church's ability to raise funds to have that extended deadline; it would just give you a safety cushion and prevent having to come back again.

Mr. Keller asked Elaine if there was an actual fee savings as well.

Mr. Blair replied that they would have to come in and actually amend the special use permit again, and yes, there would be a fee savings.

Mr. Keller invited further discussion.

Mr. Dotson said thinking back to last week we were talking about a use on Avon Street and we discussed some language about preferred fenestration or other architectural approaches. He said the language here in condition 2 says the following types of elements - fenestration, architectural detailing and so forth. Last week we said fenestration was the preferred approach and he wondered if we want to put fenestration (preferred) here consistent with what we did on that other project last week.

Ms. Spain said that sounds good and suggested adding the trellis with the vegetation as an option.

Ms. Riley agreed with that recommendation to be consistent.

Mr. Dotson said he would be prepared to make a motion if the Commission is so disposed.

Mr. Keller agreed.

Mr. Dotson moved to recommend approval of SP-2017-00010 City Church with the conditions outlined in the staff report revised as follows:

- Condition #5,
- Condition #7 would be for five years rather than for three.
- Condition #2 would indicate fenestration (preferred) and then among the options trellises with vegetation.

The Planning Commission recommended approval of SP-2017-00010 City Church with the conditions outlined in the staff report, as amended, revised as follows:

1. Development and use shall be in general accord with the revised conceptual plan entitled, "City Church SP Application Plan," prepared by Terra Engineering and Land Solutions, PC and last updated October 16, 2017 (hereafter "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. Location of proposed building;
    b. Location of parking;
    c. Pedestrian access across the property frontage.

    Minor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Building elevations visible from Rio Road shall not be blank walls. Instead, building elevations shall incorporate at least two of the following types of elements: fenestration **(preferred)**, **trellises with vegetation,** architectural detailing with a minimum projection of 6 inches, or recesses/projections in the building wall with a minimum depth of 18 inches. These features shall be distributed across the entire elevation. Compliance with this condition shall be determined by the Director of Planning or designee prior to approval of the church's final site plan.
3. The area of assembly shall be limited to a maximum 500-seat sanctuary (or maximum 15,000 square

feet).

4. Installation of improvements in the parking area and travel way shall not preclude a future interconnection between the subject property and Tax Map Parcel 06100-00-00-15300 as shown on the Concept Plan.
5. ~~Commercial~~ **Residential non-infill** setback standards, as outlined in ~~Section 21.7.2~~ **Section 4.19** of the Albemarle Zoning Ordinance, shall **apply to the primary structure** ~~be maintained adjacent to residential uses or residentially zoned properties.~~
6. There shall be no day care center or private school on site without approval of a separate special use permit.
7. The use shall commence on or before [date **five** ~~three~~ years from Board approval] or the permit shall expire and be of no effect.

Ms. Spain second the motion.

Mr. Keller invited discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Keller noted that the recommendation for approval would be forwarded to the Board of Supervisors to be heard on a date to be determined. He thanked staff for the helpful and focused presentation since it was very helpful.

Mr. Keller said given that it is 6:30 p.m. and there are weather issues in the future he asked if everyone here is prepared to continue on to the last item. Hearing no objections, Mr. Keller said the Commission would move on to the last item.

Work Session.

a. ZTA-2017-00001 Residential Tourist Lodging

Review potential ordinance changes and provide feedback to staff to be used in the development of a draft ordinance for public hearing. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report on ZTA-2017-00001 Residential Tourist Lodging in a PowerPoint presentation. This is our third discussion on tourist lodging and staff would like to pick up where we left off in December, answer any remaining questions that you have, get clarity on anything within our staff's recommendations or within the existing zoning ordinance and then prepare the recommended changes for public hearing. We are hoping to move this forward to the public hearing step to meet the expectations of the Board of Supervisors in terms of the initiation of this zoning text amendment. Staff has a set of recommended changes in the ordinance that we would like to discuss with the Commission as far as moving it forward to the public hearing step for a vote.

Following up from December, we have had some discussion on reminding ourselves what we are trying to accomplish in terms of the purpose of this zoning text amendment and it is original. As we talked about before it originated last March with the Board's review of our work program and moving up one of our strategies for work in our Comprehensive Plan. We studied the nature and extent to which transient lodging is occurring, consider any zoning changes that would be needed and then once that was done come up with a compliance plan. The Board spent a couple of work sessions in May and July discussing the scope, the purpose and of course, what we want to accomplish with the study. We limited it to two areas of study and consideration for changes. That is what we are calling periodic whole house rental where the owners are not present during rental and then consider whether we would allow this use in association with other unit types.

As we have discussed before we used the terms transient lodging in our ordinance in association with accessory

tourist lodging in our residential districts and then a sort of catch all term bed and breakfast in our rural areas and this use is accessory and in association with single-family dwellings at this time. Therefore, we want to recap some of the discussion that we have had already about existing and proposed changes and then follow up on some of your questions from last month. Then going back to the purpose in why this study was sped up it is for a number of reasons since the Board was hearing from both sides of the issues from the stakeholders involved, folks that had concerns about it and folks that wanted expanded opportunities. In addition, we are seeing more and more application activity and then more and more on-line activity in terms of the uses that are the options available for people and then needing to bring folks into compliance.

The next slide is a snapshot over the past 14 years that show a couple of applications a year, up to several and it slowly crept up to last year being about being about 50. It does not seem like a whole lot in comparison to some of the other applications that we process but the workload application and we feel like it is significant in terms of the increase in activity. She would come back later to this.

The development areas and the residential zoning districts what we already allow – up to 5 guest rooms in terms of rental, and that is rental of less than 30 days at a time. Then we have the owner or manager requirement that it must be someone's home and someone is residing there and be present during rental.

Summary of Recommended Ordinance Changes
April Public Hearing

1. Replace the terms and definitions for "tourist lodging" and BnB with "homestay"
2. Allow whole house homestays in the RA zoning district and all Residential zones subject to the following:
   a) No more than 7 days in a given month but no more than 45 overnight stays per year; (The owner would keep a record of those days.)
   b) Require that homestays with whole house rentals provide neighboring residents local contact emergency information on the host doing the rental;
3. Allow up to two guestrooms for homestays in townhouses and attached units with owner or manager present during rental (No whole house rental). We have not recommended allowing whole rental of townhouses or multi-family units for a number of reasons, but given the density and that sort of things in those types of development.

Ms. Ragsdale said we talked about last time you said what would be an example of an attached unit that could rent two guest rooms and have enough parking. One of the developments that came to mind was Dunlora that was an example shown on the slide that if we changed the regulations is conceivable the type of unit where it is currently not allowed but could be an opportunity in the future. The other example was just a lot in one of the county neighborhoods where we have approved tourist lodging and we will talk about parking and what we verify with the inspection in the next slide.

Mr. Keller asked if the rent up to five rooms inside a single-family detached structure would continue.

Ms. Ragsdale replied that all of the existing regulations would continue and stay in place under our proposals and then with this zoning text amendment effort considering a limited expansion of opportunities for people. That would be the proposed that we are going through.

Ms. Firehock asked if for the whole house rental the owner still must be in the house when it is rented.

Ms. Ragsdale replied the whole house rental is the limited number of days where no one would be present; the owner would not be there. She said that is the seven days per month and then 45 yearly.

Ms. Ragsdale continued the presentation. In the rural areas, the regulations are different since the rural areas already has some expanded opportunities. We changed the regulations in 2012 to respond to some requests for additional allowances in the rural areas. So right now existing and would remain in the ordinance you can rent up

to five guest rooms in a single-family detached structure and that is the same as the development area. On the other hand, your guest rooms could be either in accessory structures or in the single-family dwelling. We also allow for larger rural area properties where they have the development rights and the acreage and can meet the density requirements that if they have a second dwelling that they can have up to two bed and breakfast uses on the parcel. So again, we have an example of a bed and breakfast that we recently approved shown on the slide where they have the owners living in 7886 and then they have two guest rooms in 7890 with a breezeway between the two with the owners present. Under the proposal it would be the same as the development area in terms of what we are calling the whole house rental, the periods of times where it would be rented periodically where the owner or manager are not present that would be seven days per month no more than 45 per year and then the neighbor notification element.

Ms. Ragsdale said circling back to the parking issue again using examples in the development areas. For parking, we review it very closely, the applicant provides a sketch of the location of parking, and then we go out, measure, and make sure that it can be provided. In the development area, we encourage it to be on site but we have a provision in our parking ordinance that allows spaces that abut your property along the frontage of your property on the street to be counted towards required parking. That has only happened in one of the application she has reviewed but that would probably get to one of your concerns brought up last month in terms of people expanding their parking in their yard to accommodate this use. It is usually self-limiting because we have the owner or manager requirement. There needs to be two spaces for the dwelling plus one per guest room so usually people are not renting out up to five rooms; and it is usually up to two or three because they do not have the capacity on their site to do more because of parking and other limiting factors.

Mr. Dotson asked about the on street parking because many neighborhoods in the county do not have curb and gutter or demarcated parking spaces. Does this say you can park on the pavement or along the grass?

Ms. Ragsdale replied that you could not use the street for parking unless the street is approved for parking. It does not necessarily have to be marked because there are some streets that are wide enough and have curb and gutter that they can have parking on the street. We make sure that the street can accommodate on-street parking.

Ms. Riley asked about parking on a cul-de-sac.

Ms. Ragsdale replied on a cul-de-sac there are a couple of issues involving the lot width and we would go through the process to determine there are excess parking spaces. We would consult with Fire/Rescue if it were an older subdivision and there are issues about turning around on the cul-de-sac. Whether it is on a cul-de-sac or not we review it on a case-by-case basis.

Ms. Spain asked if the lack of parking would be sufficient to deny the request, and Ms. Ragsdale replied yes.

Ms. Ragsdale said we had a lot of discussion about the rural areas so we have a number of examples and it can be configured a number of different ways. She pointed out different examples. She noted there was a comparison between the city and county regulations in the packet. Some of the distinctions are they have three separate categories; they have added the category of home stay, which is primarily oriented to the concept of whole house rental and the owner must occupied in the city's example the house for at least 180 days per year but they don't have a limit as we have proposed in terms of the number of days per month or per year. We pulled that idea from other localities if you will recall and we really tried to take a more conservative approach from what we proposed. Then the city has specifications with home stays that there will not be any food, a limit to 6 guests and they are not doing the inspections that we are sort of more of a locality used it as self-regulating practice. Therefore, we feel that we are allowing the use but still maintaining the safety inspections and all of those things we talked about before and then recommending the neighbor notification piece to it that we have also seen from some other localities to provide that emergency contact in the instance of whole house rental. Therefore, we would like to get any questions that you might have and any clarification. The goal is to agree on the changes either as they are or if you have some modification to them to discuss that this evening so the next step would be to advance it to the public hearing with the Commission in April and then we have a work session scheduled with the Board in June.

Mr. Keller said we have a size audience this evening. He said that Vice Chair Riley would run this portion of the hearing but we would like to hear from anyone who cares to speak on this matter.

Commissioner Riley asked the first person listed on the sign-up sheet to come forward and address the Commission.

Bob Garland, Jr., Secretary of the Canterbury Hills Association said he was here to speak against the proposed changes to the tourist lodging ordinances in the development area and not in the rural area or for attached homes. He said this is strictly development area. You may remember that Canterbury Hills is an older single-family R-2 neighborhood just off Barracks Road in the urban ring. We all bought all homes in a single-family residential neighborhood and do not wish to have any further expansion of business operations in our neighborhood beyond that which is currently allowed. We believe these changes have the potential to be detrimental to single-family residential neighborhoods such as ours where no protective covenant exist and residents depend on the existing zoning ordinance for Albemarle County. Specifically we are opposed to the expansion of the applicable ordinance to allow for periodic whole house rental with no owner present in residential zoned areas. Additionally, we support a requirement that the owner must be present during the rental period rather than a tenant manager. We support change in the allowance for renting not more than five guest rooms to not more than six guests as per the city's limit. He said he realized that is currently in effect, but we would prefer that be changed. We support a requirement for periodic, for example annual safety inspections paid for by the owner to make sure the property remains safe for guests after the initial inspections. Even though there is an off-street parking requirement we are not convinced that county staff has considered that in some situations such as the eight cul-de-sacs in our neighborhood the enviable use of on-street parking by guests will crowd out permanent residents. He thinks it is also naïve one of the requirements is that residents keep a lodge and to expect owners to self-report violations of the 45 day per year and seven per month maximum. He said he just did not think that is going to happen. Therefore, this becomes yet another example of the county relying on residents to spy on their neighbors and report violations because there is insufficient staff to monitor for violations. He thanked the Commission and noted that he had submitted an email this afternoon.

Ms. Riley noted that staff had a copy.

Mr. Garland said that he wanted to make sure, when he said on-street parking was allowed that you were talking about the rural area.

Ms. Ragsdale replied no, the development area the ordinance currently allows the use of on-street parking; the rural area specifically says on-site. She said staff encourages applicants to make sure it is met on site. But, we discussed it recently again with the zoning administrator and the parking ordinance allows you to use lawful on-street parking towards the required parking so that is why we were talking about the review process and the cul-de-sac lots in particular.

Mr. Garland said so the part under County Code Chapter 18, Section 14 under R-2 zoning the reference there to bed and breakfast is that not what we are talking about; is this something different that you are talking about.

Ms. Ragsdale replied that there are two sets of regulations. There is one set called accessory tourist lodging that is applicable for Canterbury Hills as well as the supplementary regulations, the additional sort of conditions and requirements that we review for, are much more limited for accessory tourist lodging. We have not updated those and the parking requirement has not been updated that it must be on site. Therefore, in Section 4.12 of the ordinance there is provisions for you to use on-street parking that abuts your lot, not parking up and down the street. It has to be abutting your lot. It has to be right in front of your lot and touching your lot line for us to be able to count that towards required parking. However, it is an option and she said it came up with an application just recently and the applicant was challenging us on the fact that it had to be on site and like she said we encourage it but you can use street parking.

Mr. Garland said this part of the ordinance says minimum number of required parking spaces for scheduled uses except when alternative parking is approved as provided in Section 4.12, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. Then under bed and breakfast, it says one space per guest room in addition to the parking for two spaces required for a single-family dwelling. So that does not apply here, is that what you are saying.

Ms. Ragsdale replied no, the required number applies.

Mr. Garland said the statement required off-street parking spaces just simply does not apply.

Ms. Ragsdale replied there are other sections of the ordinance that allows you to use on street.

Mr. Garland pointed out that is misleading that this states one thing and you are saying something else, which was confusing.

Mr. Keller said that the county staff has been going for some time now trying to find these discrepancies and we hope in the course of this next year are going to have over 40 of these kinds of things. Therefore, it is helpful to have that pointed out and if it is not on the list, it is one more to be added to that list to correct.

Ms. Riley invited further public comment.

Travis Petrolia, with the Southern Environmental Law Center, thanked the Commission for the chance to comment once again on this topic as we have at previous work sessions. We appreciate the Commission and staff taking the time to review carefully the various issues involved with expanding the home stay allowances both for the rural areas and for the development areas. As we noted before we understand homeowners wanting to be able to rent their homes from time to time to help defray housing costs. We know that expanding home stay allowances could help with that. Of course, these interests must be carefully balanced with other key goals of the Comprehensive Plan as well as those of neighbors who may be affected. Our main concern continues to be ensuring that any zoning changes do not spur the construction of new houses in the rural area that would not otherwise be built a result that would directly contradict the county's growth management policy. As we understand the current ordinance, the homeowner or resident manager must be present on a rural area parcel when a rental occurs whether there are one or two B&B uses on the property. He said removing this condition to allow whole house rentals as being proposed could make it easier for folks living out of town or even out of state to build and rent new vacation homes in the county. Therefore, if you decide to recommend allowing this type of rental it is important that adequate safeguards be put into place to protect against that result. Along those lines staff has proposed to limit whole house rentals to 45 days per year and require monthly reporting. While this step could begin to help address these concerns its effectiveness will depend on continuous monitoring and enforcement by staff, which could prove challenging. Therefore, we continue to urge you to put additional safeguards in place beyond that. As we previously recommended the most direct way to address this issue is to limit whole house rentals to parcels with existing homes as has been done for other rural uses. However, at the very least we encourage you to require a waiting period before a new house built on an undeveloped parcel can be eligible for whole house rental. For example, this could be two years after a Certificate of Occupancy is issued. Doing so could reduce the financial incentive to build new houses mainly for this purpose. Finally, as we noted at your last work session the existing requirement that either the owner or the resident manager must use the property as their primary residence and reside there for at least one-half the year is an important one yet it is not spelled out clearly in the ordinance today. It simply states that the owner or manager must reside on the parcel. We see no reasons not to make these primary residency requirements clear in the ordinance so that potential B&B applicants know exactly what is required before starting to pursue this use. Thank you.

Neil Williamson, with the Free Enterprise Forum, said that he appreciates your diligence in 15 pages of minutes in discussing this issue. In addition, he understands Southern Environmental Law Center's concern of a flood to build new homes in the rural area, but he is very concerned with restricting development rights based on two years from the Certificate of Occupancy that you are able to utilize for short-term rental. That would be an untenable taking

property rights that you are contemplating giving to people. He noted he anticipates this being used more for dependencies and outbuildings that would in many cases preserve those rural buildings in a manner that allows the property owner to generate revenue and fund the preservation of the rural area buildings. He is hopeful that this will move forward and he looks forward to seeing the ordinance. Thank you.

Mark Graves said currently he is trying to become a Bed and Breakfast under the ordinance and there is only one reason that he has not been able to accomplish that which is he does not live at the property. He said in 2012 he lost my father and mother in 2015 and we are still struggling with what to do with the old family property. It has been in our family for over 75 years. Therefore, as a part of handling the economics of the property we felt that the Bed and Breakfast process might be the right way to go. We did start the process without knowing about that we needed to become a Bed and Breakfast and we have since then been encountered by Albemarle County and shut down. Therefore, we think that it is a great idea to allow the owner not to be present at the property since he lives only ten miles away. He noted that it is all about the customers that come to the house and he wants to do the right thing from a safety standpoint and all of the other requirements of becoming the Bed and Breakfast. However, he is just not ready to decide that he wants to live there yet and he wants to try to keep the property in the family so that he can pass it on to the next generation.

Alex Graves said the rural area and the development area are two very different items. He noted as said earlier the only thing missing is that we are not living in the house. He said they are ten minutes away and so any emergencies we are there and as far as neighbors, they are not very close with plenty of parking. He said if we can get that amended, it would be awesome.

Richard Fox, on behalf of Roslyn Farm, said we are an operating farm within the urban ring, a state licensed Bed and Breakfast and meet all transient lodging zoning requirements set forth by Albemarle County. We have experienced nearly 2,000 guests over the last few years, the majority of which have been booked through Airbnb and we have paid our taxes every month since the tax went into effect last August. Previously staff proposed a 90-day restriction on whole house rentals and currently we are advocating for 45. At the last work session concerns were brought up about environmental impacts regarding traffic and overdevelopment. Additional traffic will not have an effect on surrounding areas and he can explain why. Currently in the RA, each property is entitled to 18,250 annual trips onto their property. The average property owner will use 4 to 6 trips daily. The threshold for impact has already been set and if someone leased their house every day of the year it is highly unlikely they would exceed 18, 250 annual trips per year. The Comprehensive Plan also understands the need for rural properties, especially agricultural properties, to diversify as a means to prevent overdevelopment. This will allow property owners the ability to restore existing structures not only for guests but for agricultural use as well and added income allows for more discretionary spending usually put towards property improvements. No longer will a family farm fear subdividing their property if they have the right to utilize their existing property and structures to generate extra farm income. It is vital that the property owners in these areas have the right to diversify their properties as they see fit. By allowing property owners these basic rights our rural areas will be preserved and not overdeveloped like some have claimed. Again, thank you all for your time and attention to this matter. He truly believes that a common sense solution is possible, one that not only addresses people's concerns but takes into account property rights and current State Code as well. Before anyone gets any grand ideas like the City of Charlottesville about raising the occupancy tax, Title 58.1 Chapter 38, Section 19 limits Albemarle to a maximum of 5 percent tax and a minimum of 2 percent so we could lower it if you wanted. Thanks.

Mr. Dotson said he had a question of the speaker about what he mentioned about the 18,250 trips.

Mr. Fox replied in the rural area you have a by right use of 50 trips into your property daily. When you add that up over a year you get 18,250 and so a threshold has already been set by the state as an impact for traffic in the rural area at 50 trips a day.

Mr. Dotson said that is a VDOT benchmark, and Mr. Fox agreed.

Tammy Moses said she lives in the "rural area" but also inside the urban ring. She said our neighborhood is

actively on the Airbnb radar since she had at least two neighbors that are participating. Our property is adjacent to the Roslyn Farm, owned by Mr. Fox. There is a cottage that abuts up to our property line. She thinks there should be some other kind of consideration when you have a property, which is in the rural area but also in the urban ring inside a neighborhood. There is the quiet enjoyment of our neighbors and just our live that we fell that has been impacted by a lot of this Airbnb. We have people come to our home thinking they are going to rent our house because sometimes in the rural area the google maps do not work. It stops right at the end of a cul-de-sac. She pointed out our house does not register on the google maps until we get to almost Hydraulic. Our other neighbor could not be here but they abut right up to the farm and get traffic from the Airbnb all the time at 11 or 12 o'clock at night with strange people knocking on their doors. There needs to be some sort of consideration for this type of activity. Therefore, she did not support, nor her husband, additional allowances for Airbnb or any kind of temporary stay and certainly nothing that would allow the owner not to be present. We have had noises come up into our homes from an Airbnb that abuts our property during a school night. She thinks it needs to be considered how close these structures are to other properties and she understands about needing to make money, but at what cost is that to the neighborhood and the neighbors on our property values as well as for quiet enjoyment of our life

There being no further public comment, Mr. Keller invited questions for staff.

Ms. Riley said this is a question/comment about the inspection of the homes. Staff put in the report that the county would require someone doing rentals to have an initial inspection but it does not like there are additional annual inspections or other follow up inspections required. She was concerned if they were only requiring one inspection at the beginning it does not seem like that is very good for public safety. She asked if there was only an initial inspection.

Ms. Ragsdale replied there is only the initial inspections unless the property changes ownership, then the new owner gets a new permit and new application or if they start out with one or two guest rooms and they want to expand the number, then they get a new permit.

A member of the public spoke, however, Mr. Keller asked the person to email the Commission or most specifically the staff, Rebecca Ragsdale.

Mr. Blair noted to the audience member's point if they are serving food are there periodic health department inspections.

Ms. Ragsdale replied that she did not know about the health department permit process, but she was speaking to the County's fire marshal inspection and then the initial inspection by one of our residential building inspectors to confirm that the smoke detectors meet the Code requirements.

Ms. Echols pointed out not all B&B's have any kind of a food component, and Mr. Blair agreed that was correct.

Mr. Keller invited discussion.

Mr. Bivins said he was uncomfortable with the fact that there is very little opportunity to manage violations and asked how we would manage a situation where a house is in violation. He said he was particularly thinking about the development area and the whole idea of having neighbors inform the county since he read some place that the county has a delay in the ability to respond to those kinds of complaints. Therefore, we create this environment where neighbors have to complain and then that complaint has some various lifetime that is associated and perhaps it is a moment or several weeks and he is comfortable with that. However, he thinks that shows up the more we put ourselves in a situation where we have homes without an owner so we are struggling in the development part of the county with a whole house rental without an owner on the premise. It seems that owner being there would be a governor that will not be there in a vacate house and he was concerned about how we manage violations or how we send messages to owners that they have a community responsibility with this effort.

Ms. Spain asked is there some reason that the city limits the number of guests and the county limits the number of rooms.

Ms. Ragsdale said it is more limiting in that regard than the county. It fluctuates among localities and it varies since some regulate by the number of guests and others by the number of guest rooms. We have historically regulated by the number of guest rooms.

Ms. Spain said my conflict resolves around the townhouse-attached dwelling and understands the parking problems with those. For that reason, she would tend towards denying any homestay opportunities but then that means that only people who own single-family detached houses can supplement their income with home stay and she would not like to see that built into the regulations.

Ms. Echols noted that is the way it is now and the only way you can do this would be if you have a single-family detached, which is the current regulation.

Ms. Spain asked what would be involved in expanding it. She knows this is a late curve ball but we did not have the opportunity to talk about this earlier. She suggested that other commissioners would have something to say to include townhouses.

Ms. Ragsdale noted that is one of our recommendations that whole house rental not be allowed for townhomes or attached units but townhouses or attached units only be able to rent up to two guest rooms because of parking and other issues closer proximity to your neighbors and with the owner/manager there being present to manage that.

Ms. Spain said she was glad Ms. Ragsdale could keep this straight because she was having difficulty with it.

Mr. Keller agreed that this is complicated and for the audience and those who will be listening to this there is a podcast. He pointed out staff has tried very hard. If you look at the different tables, and we compliment staff on that, in trying to make the clarification of the differences between the rural areas, the developed area and then subsets within the developed area of different housing types and those are questions that have come from several in the audience. He said there seems to be in greater Charlottesville/Albemarle several entities that are managing the short-term rentals and that then begin to get to another piece that he has talked about the potential need for the homeowner or manager on site. He thinks there is going to be a tendency over time for something that almost becomes like a “defector” hotel chain that manages a number of units, he was sure in some cases there will be great accountability, and other cases there might not be. He thinks we need to think about that and plan for it in this process. He said that is in the enforcement side of it or make a conscious decision that we are not and he would guess the Supervisors would have to make that decision. We are just trying to daylight the various issues so that when they are in their decision making time they had as many of these brought to their attention as possible.

Ms. Riley said throughout this process whole house rentals in the development areas was a concern and if she had to make a decision would probably say let’s not do it in the development areas and let’s require an owner to be present.

Ms. Firehock agreed with what Commissioner Riley just said and had three points she would like to make. Some of them will reflect some of the things she has heard here tonight from the audience. She thinks the urban ring; the development area and the rural area are quite different beasts and require very different sensibilities in terms of how we regulate this. She said staff is trying to get the sense of consensus out of the Planning Commission and she is not necessarily helping with that. Ms. Firehock said she remains in the same position which is she does not think we should have a resident manager or someone having to reside on the property in the rural area situation. Now she is also sensitive to a member of the public comment about not wanting to spur unintended building of vacation or rental homes in the rural area since part of our growth policies are trying to shift development primarily into the development area away from the rural area. So that is why she would also subscribe to having a waiting period so limiting whole house rental in the rural area to existing housing or after a five year waiting

period. She thinks two years is too short and to any speculator that is not a long period to wait. Then another idea she had that was not brought up is perhaps to have a minimum size property in the rural area. She thanked everyone for the public comment because she found it very helpful tonight. The comment from someone who lived in the rural area who said he lived in the rural area but the houses are close together in his development. If you could also have a minimum size property for having the whole house rental without a resident manager she was suggesting 3 to 5 acres would be a large enough size such that they would not be in a situation where they were on a cul-de-sac and causing a nuisance to their neighbor.

Ms. Firehock said she knows there are a number of properties that either have inherited properties or have moved away from the area and being able to rent that house out is what is keeping them able to keep up their property. Actually, down in southern Albemarle a realtor recently told one of my neighbors she could expect to take 5 to 7 years to sell her property. The property values have gone down every single year since she moved there 6 years ago. Because of that, the market is very stagnant, so she would rather have someone renting out a property, and that affords them to help keep it up even though they have had to move away for marriage, college or whatever. Therefore, she does not want to hamstring people's ability to rent out the house by the fact that we say they have to live there or that it even has to be their primary residence in reference to the comments made earlier. She hoped it was not confusing but she would share her points in writing later on. Again, she thinks it is very different in the rural areas so she is willing to be much more liberal in the rural area with the additional caveats she added for spacing and other considerations.

Ms. More said she wanted to understand what Ms. Firehock was saying because one of her original thoughts was that she did not really want to treat the rural areas and development areas separately. However, she does see having the whole house rentals could affect a property owner in the growth area since it seems more likely because everyone is closer together. She said that in the rural area depending on the nature it could have some impacts. She said that from property to property, it varies based on where these buildings might be located and the topography that might acoustics for people far away can actually hear conversations that people are having in the back yard. She really is not comfortable as much as she does not want to unintentionally create a situation where we motivate people to build in the rural area for this purpose she does not feel comfortable putting 2 years or 5 years to limit a use.

Ms. Firehock noted it was not limiting the use, it was limiting if they built a new property how long would it take until they could rent it out as a whole house rental and that was to avoid speculation, which was brought up by one of our speakers.

Ms. More said she was not that comfortable putting that restriction on there, and wondered if someone was to build a single-family detached home that is the size that some we are talking about here is how viable is that would become an income property for them when they can rent it 45 days out of a whole year. Not knowing what the numbers are on that, but it seems like quite an expense that would make a profit for you if you had 45 days to rent it in the rural area and you had to wait two years on that. She did not know how viable that is. She does not know if the issue more is if there is development rights and they can build a smaller building that might be something that might be more profitable. She said she was stuck between how we unintentionally do not hamper people who are trying to hold onto a family property. We heard an example tonight about a family who lived nearby or have buildings on a property that they could fix up and have a use rather than see those properties become something that is uninhabited. Ms. More said she was caught between not having an unintentional consequence to being too restrictive so we allow people to have that use of their properties and have the use of some of the out structures but also do not encourage people just to build. Therefore, she was caught between the two and does see the issue with the development area potentially having more conflict with whole house rentals. She said my biggest issue with all of this is enforcement. She said whatever we pick and the Board decides we really are asking people to call in and report on their neighbors if there is a problem for them. There are going to be some situations where there is going to be a rub and there are going to be places where it works great. Ms. More noted the enforcement being complaint based with the response time and the follow up was what she was concerned about with all the time we spend to come up with a set of things and how that will be enforced.

Mr. Dotson said he had two questions and two comments. The first question has to do with enforcement since the staff report mentioned three strikes and you are out. He asked staff to explain that comment.

Ms. Ragsdale replied staff provided information over the course of the three work sessions and it was more detailed in the prior reports about the compliance and enforcement tools. There is the new short-term rental registry requirement that brings with it some additional enforcement tools that we talked about incorporating and that includes the three strikes you are out provision. Therefore, if we have a property where we have repeated substantiated violations of any of the county ordinances, zoning, taxation or any of the other ones, then their permit would be revoked or they would have to discontinue the use. She explained staff added in our recommendation some additional requirements such as the neighbor notice and the reporting requirements as far as the number of days that were rented for whole house rental because that has been the primary area of concern. Therefore, with any of our uses, such as home occupations that we approve about 600 a year and any of our rural area uses we are complaint driven. We do not have annual inspections at this point for any of those uses so we were adding in some things that staff thought would be helpful with this use and taking advantage of the new State Code provisions. She said the Board set some of our direction and some of this may bring with it some additional workload and funding aspects to it so we would have to provide more information in that regard. She said comprehensively when we go to public hearing we will have that piece added back to it to the extent that we can. At this point not having circled back to the Board yet and let them know all of the issues that you have been daylighting to get at those concerns in a couple different components as far as what staff has recommended. As far as these uses we brought up noise
and the guest that may be enjoying themselves but having this use does not bring with it any rights to any special events or anything, those are still separate categories in our ordinance. Over the course of our zoning text amendment processes for rural area uses for agricultural operations and events, and then farm wineries, breweries and distilleries added zoning clearance and staff review processes for outdoor amplified music. She noted those are all still separate things in our ordinance. Ms. Ragsdale said she always likes to add that reminder about events that this is just about lodging and people are not allowed to have special events just because of that.

Mr. Dotson said specifically on three strikes simply three complaints is not the same as three strikes since you have to find the operator in violation with a procedure following; he wanted to make sure it is not just three complaints that seems unworkable.

Ms. Ragsdale replied that we have our complaint hotline and have mechanisms for people to make complaints directly to us. Then staff logs those, investigate and if we find a violation send a notice of violation as the first step. So we would have that system to document for properties the complaints and whether violations were found or not. The State Code is actual violations and not just concerns about a property. Staff receives a wide range of concerns that turn out not to be actual violations on the complaint line.

Mr. Dotson said he was asking because he expects that provision will be used so he wanted to understand it a little bit more. The second question is on the use of accessory structures and he is looking at the chart in the staff report. It says okay to use them in the rural area and not okay in VR and development area and he thinks of Belvedere. There are probably other developments, too. He asked how we address that if we are saying those units could be long-term rentals, the garages that have apartments above them, but they could not be week-to-week rentals. He asked is that what we are saying.

Ms. Ragsdale replied yes, we took that off the table in one of our earlier work sessions and then for a number of reasons when we were talking about the other unit types no carriage houses or accessory structures in the development areas and then multi-family apartments being able to.

Mr. Dotson said he was not sure why we would not allow accessory structures particularly since by definition accessory is accessory to a primary residence, which means there is somebody else on the site to look at it.

Ms. Ragsdale replied that has not been within the scope of this study; we touched on it but in the development area we have traditionally only allowed the guestrooms to be within the single-family dwelling and thinks we were

concerned about additional impacts to the neighborhood with people coming and going from another structure on the property. With the examples of the carriage houses, a lot of those are part of a Planned Developed/Neighborhood Model District that in those units were proffered specifically to address the affordable housing policy so they are to be provided for a housing unit not to be used for accessory units.

Mr. Dotson noted that is a good answer.

Ms. Ragsdale pointed out that was in Belvedere, Cascadia and Old Trail.

Mr. Keller said that is the answer to use from this point on with the supervisors and everybody. He said given the discussions in our community that is an easy way to go.

Mr. Dotson said the third is a comment and the fourth will be a brief comment. The third is about parking, which he sees as the single biggest probable issue. He said it sounds like we have a very good process in place for examining applications and trying to make sure but he would feel more comfortable if we had something that says like "for BNB's homestay parking need to be on site, it needs to occupy no more throughout a number than 50 percent of the front yard area and that any parking has to have the same setback as buildings do." That is so we do not put cars right on a neighbor's property line. He would feel more comfortable and believes the county attorney can comment on this that since homestay is a specific use if we had those parking requirements on site no more than 50 percent of the front yard and the same setback required for the buildings that would be a requirement applied to all properties in the situation of being a homestay. Therefore, it would be singling them out; it would be a comprehensive provision applying to all of them. He said that is something that would make him feel more comfortable; however, he did not know how the other commissioners feel.

Mr. Dotson said we keep talking about the rural area and we seem to define that as RA zoning, and he wondered if we should not define it as not in the designated growth area because the woman who spoke said she lives in an area that has RA zoning but it is in the growth area.

Ms. Echols said she did not believe that property is in the growth area; it is on the edge on the rural area side of the development area/rural area line in that particular circumstance. There are very few properties in the development areas that are zoned RA.

Mr. Dotson said with that answer that satisfies that concern, but my main thing would be about parking.

Ms. Spain asked how you would have a setback for a townhouse or attached.

Mr. Dotson replied there are side yard regulations in the zoning and typically it is 5' or 10' and then he would say you could not park a car within that protected side yard area. He had seen situations where people park right on the property line and it is an intrusion on the adjacent property without a doubt.

Ms. Echols said she was wondering from listening if there are a majority who agree that whole house rental should be allowed in the development area. If there is not a majority then we could take that item off the list of the ordinance recommendations. She suggested that might make it easier.

Ms. Firehock said she would support that since she is very sympathetic to people who moved into a neighborhood expecting it to be single-family residential neighbors only to have that property to be rented part of the year. She did not think that was a fair expectation.

Mr. Keller said he did not think we need #1 on there or we can just answer it again because he thinks we answered that last time in saying we were comfortable with that term. He asked that they work through the sets of things staff would like answered beginning with this one going point by point how you feel with eliminating the whole house from the development area.

Ms. Echols said that what she saw was that most commissioners think that the recommendation should not include whole house rental opportunities in the development area.

Mr. Bivins asked if whole house is when the owner of the property vacates the property and goes away.

Ms. Echols replied yes.

Mr. Bivins said that he would have raised his hand.

Mr. Keller noted that all commissioners agreed no whole house in the development area, which was good for clarification.

Ms. More said since we are on that topic she would like to ask about accessory structures in the growth area and if that was the direction of the Board, we are not to consider those.

Ms. Echols replied that the Board did ask for your consideration of adding that as an opportunity.

Ms. More said she was a little sensitive if we are saying you cannot do the whole house rental in the growth area if you had an accessory structure. She thinks what you were getting at aside from the affordable piece is that you probably have the likelihood of a lot more supervision because the owner is in the main home and that is an accessory unit. If you put limitations on how often it can be rented she did not know if you would have any more impacts in a neighborhood for 45 days a year than you would if someone rented it out year round.

Mr. Keller noted there was a rebuttal to that since you still do two rooms in the house and if you want to be separate to those, you could move into that auxiliary unit yourself for those days you are renting. Therefore, it is not precluding the opportunity of those owners to be able to have that same income; it is just saying that it needs to be in the house and not in the auxiliary unit.

Ms. Ragsdale said right now that the requirement is that the manager/owner reside in the single-family dwelling.

Mr. Blair agreed in the dwelling.

Ms. Ragsdale said that was one of the things we need to clarify with this process is the expectation as far as being on the premises during rental or being present during rental. She thinks that in the development areas you can't go live in an accessory structure but if during rental you are staying in it she did not know if that would work or not. She noted staff has not talked a lot about going down this path.

Mr. Blair said let's also look at how some of this develops and that is partly through the definition of tourist lodging in Section 3 of the Zoning Ordinance, and it states, "A use composed of transient lodging provide within a single-family dwelling having not more than five (5) guest rooms." So he thinks the definition itself "the within the dwelling" right now is what would prohibit that idea.

Ms. Ragsdale said even the owner vacating the dwelling to accommodate the use.

Mr. Blair said you would have to look at that, correct.

Ms. Ragsdale said that is what staff has advised people, but again with the ordinance it is not always obvious how you get there.

Mr. Keller said that we have heard there are people living in the auxiliary units that are defined as carriage houses and renting their houses in Albemarle County today.

Ms. Echols noted that you could do that for long-term rental, just not short-term rental.

Ms. More said in the growth area that would be an opportunity that she did not know would create that many impacts that would provide more supervision, which is really the issue when you are in the growth area you are closer together having an owner not present.

Mr. Keller asked who agrees with you on that matter.

Ms. Ragsdale said it does not allow it now but we could amend it the same way we did for the rural areas.

Mr. Blair said we could amend it but thinks we would probably want to look at our resolution of intent as well because right now you might be limited and while you discuss other points, he will look.

Ms. Echols asked is there any support for Commissioner More's thought that accessory structures in the development area be available for home stays.

Mr. Keller said he was torn on it because of the affordable housing issue since we know there are cases where that was part of the agreement with the developers. He asked if they actually receive credits as affordable.

Ms. Echols replied yes.

Mr. Keller said he agrees conceptually, which is where he has the problem. He pointed out they are seeing this movement all over the country to consider auxiliary units as affordable housing and are seeing the conflict between the so called Airbnb and affordable housing all over the country. He said he would come down on the side of having more affordable housing now.

Ms. More said the owner of the main property owns the accessory unit; it is not for sale but for rent.

Ms. Echols replied that was correct that it was allowed for long-term rental right now and for short-term rental, it is not allowed.

Ms. Ragsdale said the accessory type units we are seeing are specific to the Neighborhood Model districts because if you wanted to do "an accessory unit" in the residential zoning district it would have to meet all the requirements of a dwelling. She said we do not allow accessory dwelling units in our conventional zoning districts R-4 and R-2. The carriage houses that you are envisioning the code of development for those developments and the proffers do not allow them to be used for tourist lodging. It would not just be what we would change in the ordinance; it would be case by case for the code of development to allow them there. In the development areas where you have people that have rooms above garages like bonus room space she thinks it would be as if you could in the rural areas turn that into a guest room that would not be a dwelling but be a use permitted for that accessory structure. She said that could be put into the ordinance and would be an opportunity for the residential zoning districts but for the planned developments, like Neighborhood Model, it would not open up that opportunity because of the individual codes of development. They would probably have to come back through and amend them; we have not talked a lot about that with legal and the mechanics of doing that. In some cases, the proffers would eliminate it as well.

Ms. Echols said she would suspect that over the next year or a little more the issue of accessory apartments may be revisited so that accessory apartments might even be allowed. The consideration will be whether accessory apartments can be allowed outside of the main structure. She was thinking when that conversation takes place it would probably be the right time to talk about the homestay opportunities in accessory structures.

Mr. Keller said due to the snow that he would encourage us to let Ms. Echols walk us through the pieces and see how much consensus we can have.

Ms. Echols asked is there agreement among the commissioners that whole house rentals ought to be available in

the rural area.

Mr. Keller said it was unanimous.

Ms. Echols said the next question is the number of days. What is out there right now is no more than 45 days per year, no more than 7 times in any given month.

Ms. Riley said she was fine with that one.

Ms. Firehock said she was fine with it but would not be that restrictive.

Mr. Dotson said that 45 days seems fine.

Mr. Keller noted that staff had originally recommended 90 days.

Ms. Echols replied that it had come down with the different times we have talked it has come down. It seemed like 90 days was too much at one point and that is why we came down to this more restrictive. We were also trying to look at parity between the development areas and the rural areas so if you wanted to be more generous with that since it is not the parity issue anymore you could certainly consider that.

Ms. Firehock said she would be fine with having higher; she was not on the bandwagon for the restrictions in the very first place since she did not know why the 45 days.

Mr. Keller agreed with Ms. Firehock and suggested to go 45/90 days more or less.

Ms. Spain asked if we do not agree with the 45 days does it mean it reverts to the 90 days or none at all.

Ms. Echols replied no.

Ms. Firehock said you are just giving your opinion.

Mr. Keller said they are trying to advise staff on whether it is less or more.

Ms. Echols said if you wanted it to be different from the 45 and 7, and there were enough commissioners that agreed that it would be different and what it would be different on, that is what staff would bring to you.

Mr. Dotson asked for a show of hands on this.

Ms. More said part of the issue that we have heard too is are we motivating people to build homes just for this purpose. Ms. More said she did not want to be restrictive since she would always prefer to be less restrictive but did not know where the breaking point is. To me that was part of the 45 since it does not seem financial motivating to build a giant house to rent and she did not know if 90 is either. She said the Commission needs to be careful that unintentionally we are creating motivation to build in the rural area.

Ms. Firehock said that was a good point because that was what she said earlier since my points were not in isolation. It was that you would have whole house rental, the resident manager not need to be on site but that it would be a waiting period if you were to build new. She also had suggested minimum acreage. She said the whole package would have to be make sense together and not be in isolation.

Ms. More said those are very restrictive things in you are not in favor of the 45 day restriction.

Ms. Firehock said she was thinking about if you are renting your space out more often, you want to be less obtrusive on your neighbors, one easy way to do that is by having more acreage, and lots tend to be larger in the

rural area so she did not think it was a massive prohibition. She noted that she sees some people sitting in the audience who would easily meet the requirement.

Mr. Blair said he would offer a bit of context that he thought he recalled this. It was 90 days originally looking at the minutes from a previous work session. He thinks Ms. Riley's concern that she had mentioned Seattle and an article about affordable housing and Blacksburg is 30 and those are not rural area.

Ms. Firehock said that was why she wanted to treat them differently since there was a different demand and type of renter for occasional renting in the rural area than there is in the urban ring.

Mr. Blair said that was right and then the discussion went from Ms. Riley's pointing out the article and the affordable housing question and then it went to a discussion about 60 but ultimately the minutes show that Ms. Spain pointed the Commission was interested in between 30 and 60 days and the 45 probably came as a result.

Ms. Riley suggested another approach would be to revert to saying 30 to 60 and let the Board decide. She said the point she was trying to make in the meeting was more relevant to the development area and sort of what is the tipping point where you are going to lose a long term affordable unit to a short term rental market because it becomes whether it is 45, 60, 30 days there is an economic analysis. She is very less clear on what the impact on the rural area is on this issue is and so would defer to having some flexibility and letting the staff wrestle with this on the Board on the exact number.

Mr. Keller said the big issue points are that we do not support it in the growth area and we do support it in the rural area. Therefore, that is the major question and the major direction from us for the Supervisors and staff.

Ms. Ragsdale noted that we would need to pick a number coming back to public hearing so we could go with 90 and address downward as it goes through the process. There would be a public hearing with the Commission and then it is a work session with the Board in June. However, some of the other localities it has been 30 and 90 has shown up in a number of the localities. As she was just looking back at one of my tables, Blacksburg actually has two types some 30 and some 90 and then some of the other ones were up to 90 if they were taking the conservative approach that we are.

Ms. Spain asked are there any localities that have no limits.

Ms. Ragsdale replied the Charlottesville city.

Ms. Spain said but not a rural area that you know of.

Ms. Echols asked if the Commission wants staff to advertise at 90 days and then you could go down but you just cannot go up. She asked if the Commission has a limitation on number of days in a month they would like to see or it is okay to take out.

Mr. Blair said in most cases he thinks you are right, but for public advertisement the issue is you have to re-advertise the more restrictive you get so he thinks you would probably want to start at 30, which is the most restrictive and then you could amend up and become less restrictive.

Ms. Ragsdale said she was looking at it in the reverse.

Mr. Bivins said he was comfortable starting at 45 days with the recognition that the Charlottesville area has many options and so did not believe that someone is going to build unless they have the most spectacular location at the most minimal price that they are going to have 100 percent occupancy. He thinks there are some places but does not believe it will happen across our market.

Mr. Dotson asked if the result of the discussion was 45 and 7.

Mr. Keller asked Ms. Echols if she had it, and Ms. Echols said okay and now onto townhouses that she suggested two rooms with the owner present.

Mr. Keller asked if it would include the parking clarifications.

Ms. Echols said the first question was if townhouses then are there any additional restrictions that you want to have on parking other than what we already require. She asked the question of townhouses at all.

Ms. Firehock replied yes with the resident manager.

Mr. Keller asked if anyone was against that. Hearing none, it was the consensus of the Planning Commission consensus.

Ms. Echols said now the question if there are any additional parking requirements that you would want to add to the townhouses other than what exists right now.

Mr. Dotson said his proposal was that for home stays it be on site, if it is in the front yard it occupied no more than one-half the area and that the parking be set back the same distance as whatever the minimum is for the buildings in that zoning district.

Ms. Echols said that takes care of the example that Ms. Ragsdale provided. She said we have many townhouse developments that use a group parking lot that could not meet that particular requirement. She asked if the Commission was okay with that.

Mr. Bivins asked what does that mean because he does not want to penalize those group-parking places.

Ms. Ragsdale said staff needs some clarification from the commissioners. There are townhouses that are on individual lots and there was concern about expanding the parking or the parking needing some additional regulations. For a townhouse on a lot, like the example she had in Dunlora Forest, we would have to look at our setbacks now. The setbacks now we want the building to the street if you have a front loaded garage then the garage has to be back 18' that naturally leaves an area for parking. She was not sure how it would work on a lot like that for townhouses because these are tight lots. The setbacks on a residential lot are now, depending on whether it is infill or not, but it is really a side separation and you can be as close as 5' with a structure. So there are not any minimum setbacks for parking now but we have with some of our supplemental regulations with some of our uses in the rural areas we have said that parking has to meet the primary structure's setbacks as an example. However, we have not thought through how that would work. Then there is whether the term on site includes parking lots within the townhouse development versus on-street parking. We would need to get some clarification from you on that.

Mr. Keller asked if this a majority of rental rooms in houses and Airbnb he believes is one. What if we suggested one guest room and took all of the other constraints away from it because one guest room would have less impact on the parking. He said townhomes would be limited to one use.

Mr. Dotson pointed out his concern about parking is not limited to townhomes; it is all types of structures. He asked are we talking about townhomes or parking in general.

Ms. Riley said we were in the context of talking about townhomes and you just clarified for us that your parking requirements are recommended for all types of units. However, Tim has brought in whole another possibility in terms of townhomes and she would not speak for him.

Mr. Keller said it would potentially decrease the impact but at the same time from what my reading about this and the income that comes is most often coming from one room that is rented and becoming a supplement to

mortgage payments, utility payments or whatever. It is taking it back to be a secondary kind of income stream but it is saying it is allowable. Because it would be one and in theory one car that should have less impact. However, he was thinking in terms of townhomes and not about the others.

Mr. Dotson said he thinks that in a townhome and the kind of home we see here there are two parking places in the garage and two in the driveway so they could have two rooms. However, if we wanted to limit that to one obviously they could still meet the parking requirement. He guessed the difficulty with my proposal is where the yard is and we have already committed by virtue of the driveway more than 50 percent to vehicular use, and he would have to think about that. Since this is a new wrinkle that staff had not thought about before maybe if the Commission is interested in further restricted parking with these guidelines and concerns when you bring it back to public hearing staff could report back to us on a little analysis of that.

Ms. Echols said it sounds like you are just talking about any homestay has to have that restriction. She thinks where we start with that is that we do not have any restrictions on parking with or without home stay right now.

Mr. Blair said that was correct.

Mr. Dotson said that this is a new use and so it is possible to have the same restrictions apply to all who are engaging in that new use.

Ms. Echols said but there is an existing use allowed right now that does not have that restriction. It is not a new use because homestay is allowed in the development areas.

Ms. Riley said but not currently in townhomes. She said where this conversation started was we were in the context of talking about townhomes, which is an expansion, and this proposal is responding to concerns many of us raised. She said we eliminated apartments because of the nuisance and parking issue and we have been concerned about the nuisance in parking for townhomes. She was thinking about the townhomes since we had members from our POA from the southern area come and speak before us because there are already inadequate parking for the existing residents in a number of these townhome developments. Therefore, she was especially concerned that we do address this parking issue in the townhome areas. She said Avinity is a great example and there is just is not adequate parking for the people that live there right now. She liked the approach you were presenting, but she did not know how it applies to all the other types of units and definitely wanted to nail this down on the townhomes. For example, in the townhomes of Avinity there is one-car garage and that has quite often been converted to a room or is just filled with stuff so it is not holding a car and then there is a driveway that can hold 1 ½ cars and then everybody is parking on the street.

Mr. Keller noted in the city there is parking actually detached from the townhouse in a collected area and those might be the very type of units that should not be penalized by not being able to have one. He said it was almost as if different types are going to need to have different solutions.

Ms. Ragsdale noted that we talked about last time whether or not we would allow it. She said a townhouse development will have a site plan and we will know what the parking calculation is, how many are required, how many are provided and we talked about before whether in our ordinance certain dwelling units have two parking spaces plus a calculation like one space per four units for guests. Therefore, we would have to clarify whether you are allowing the guest spaces to be used for tourist lodging or as they are now the tourist lodging spaces are additional required spaces and we do not allow a lot of sharing. She said therefore, that would have to be clarified as well.

Mr. Keller noted there would be homeowner association regulations in some of these as well that are going to impact.

Mr. Dotson said it is almost like in these circumstances we are talking about joint use parking, it is designated for guests right now and an owner comes along and says well I have some guests for 45 days. We could say well if

there is a joint use agreement if the homeowner association agrees that you can use those then those are designated to you for 45 days. Then that would sort of follow other procedures that we use for joint use of parking.

Ms. Ragsdale said we are looking for the excess spaces for this use when we review it. She said there are some townhouse developments that only have two spaces for each unit and then there are a limited number of guest spaces. She thinks you have brought up an issue which homeowner associations will allow this and regulate the parking. She said staff is not checking in with the homeowner's associations when we review these permits so we would need to have standards in our ordinance that are very clear as far as the required parking.

Ms. Echols said she was thinking the way it would work out here is if you were to allow up to two rooms in a townhouse to be available they would have to be at least 2 additional parking spaces that could be verified that were available for that use from a particular development. She noted in the slide on the screen is an attached housing circumstance. She pointed out you might have two extra ones there but in a collective parking situation you may or may not have two extra ones and staff would have to verify that you did have those two extra spaces that are available for your use only and everybody allowed you to do that. Therefore, that could almost be self-regulating. She asked if it was two or one room.

Mr. Dotson asked is the existing allowance two rooms.

Ms. Echols replied that there is no allowance right now just for townhouses.

Mr. Keller suggested one room.

Mr. Bivins and Mr. Dotson suggested two rooms.

Ms. Ragsdale noted that some places would not be able to have one room; however, it is up to two rooms if we can verify the parking.

Mr. Blair said one question for Rebecca in looking at Section 4 and the language would go from 500 square feet to two or more bedrooms required two spaces. Then the exact language is, "in addition if parking is provided on individual lots such as for duplexes and single-family attached townhouses rather than lots or bays that are shared by all units in the development, then one guest space per four units shall be provided." Therefore, when we are talking about the parking requirements in effect he guessed that would be in addition to that one guest space per four units that already is required in Section 4.

Mr. Dotson said he was looking at me but he has not proposed anything in terms of numbers.

Mr. Blair said in terms for parking for guests you are talking about that in terms of the attached townhomes, and he thinks you were talking about all types of homestays. He said there are already provisions in our parking regulations that in a townhome case there is one space required per four units and one guest space per four units. He said his question if they are out in the field and they have to verify six different townhomes in the same complex how would you as a commission want to count that one guest space already provided for the four units.

Mr. Keller replied for the 15th family that comes in and wants to do it or the 40th family that wants to come in and not the first. He said the first five are not going to be issue and that is why he goes back to allow this opportunity but he thinks we want to restrict it so it has less impact. That is why he argued for the one as opposed to the two beds.

Ms. Spain noted then we are giving single-family attached owners five options and only one for a townhouse. She knows the parking is different but thinks we ought to stay with the two.

Mr. Keller said or we could look at the five and think about whether that is high. He said that is a guest home with

five rooms. When we go back to the Canterbury Hill discussion there are going to be a number of homes in there that have five bedrooms.

Mr. Dotson noted that is why he thinks parking is sort of the choke point and if we can get the parking right then he thinks the other things fall in place.

Mr. Keller said it is so complex he was not sure.

Ms. Riley said what Commissioner Spain was referring to is you want to see equity and fairness in terms of property rights and opportunities. Ms. Riley said she thinks the other part of this conversation is really trying to analysis what the public nuisance is here in trying to protect people living in communities that already have inadequate or not enough parking that are going to be most adversely affected. Therefore, we have to figure out how to do these two things together. She said given we just got the parking regulations read and that there are already an inherent problem in terms of, as Commissioner Keller said, when you get into the cue if you are one of the first people that decide to rent your townhouse you are going to get those limited common parking spaces assigned to you. She said but if you are the sixth or seventh person that comes in those spots will not be available and so that also will not be fair, but that is how it will work she would imagine.

Ms. Spain said but we are assuming that everyone is renting all at the same time and it is not necessarily the case that everyone would be renting out the same weekend or couple of days.

Ms. Firehock said it would be impossible for the county to get into that level of detail.

Mr. Keller said what we have seen from other communities that have strong athletic programs that indeed there are the same weekends when there is that impact. He asked Ms. Echols if she had any thoughts about what you could pull back from this.

Ms. Echols said she was wondering if there was support for one-bedroom. It does not matter how many that is one or two bedrooms we have to check and see that there is adequate parking whether there is one or two bedrooms. She thinks what we would be looking at if somebody wanted to claim a single parking space for the four that the homeowner's association would have to buy into that and we would have to know whoever is saying they are going to take it has the permission to offer it.

Ms. Firehock said that there usually is space for your unit and sometimes there are two spaces, but many times, there are only one and then there are this sort of random seven scattered guest parking spaces. She said you could not really give someone a permit to say I want to have this extra room and I am going to say that one of those is mine because those are actually designed to be in flux all the time. There is no way that the county can come into a private development and agree to allocate one of the floating guest spaces to a particular unit.

Ms. Echols noted unless the association said they would allow it.

Ms. Firehock said that would be bizarre and it would probably be in violation of their original site plan.

Ms. Ragsdale pointed out she had suggested that there is the minimum number of units for the residence itself, which includes guest spaces. Therefore, the guest spaces if they do not have extra guest spaces to give, then they could not have tourist lodging.

Mr. Dotson said just to follow up on Commissioner Firehock's example. He said if you had a development where the parking was not on the property but was in a collected area and each household were allocated two spaces that was in writing and documented. He said if those were the only two spaces, then that is all that staff would be able to look at and they would conclude if that were enough or not enough.

Ms. Echols agreed and asked if that would change one or two.

Ms. More asked if there was a way to say that two does not work for this particular situation but one would.

Ms. Ragsdale pointed out the parking that you have limits the number of rooms that you can have. If you only have enough parking for one room, then you could only get approval for one room. If you had enough parking for two, then we would allow you to have up to two.

Ms. More said that is the answer to the question in my opinion.

Mr. Blair asked if you have a townhome that is allocated two parking spaces now the question is #1 if there will not be whole townhome rentals. He asked in that case if you automatically assume that the owner is going to use one space.

Ms. Firehock replied that was right, but they probably have three spaces assigned to that townhome if they have three bedrooms.

Mr. Blair said right, but if there were two spaces assigned to the townhome then for compliance purposes we would say you may only have one guest room.

Ms. Firehock replied that was right.

Mr. Blair asked if that was how you would like it to be written.

Ms. Firehock replied she thinks so because she did not have an opinion on whether it should be one or two bedrooms since she did not really care. She said it was more the parking and the intrusion on the neighbors.

Mr. Keller asked if we are all there with a maximum of two and parking is the defining factor in whether there are zero, one or two, and Ms. Echols replied correct and liked the way he said that.

Ms. Riley added under proposal #4 she thinks we want to spell that out and say provided parking requirements for homestays be met so that when this is advertised people really understand that would be the criteria.

Ms. Echols said staff could do that. She said the Commission had answered all the questions unless there is something more.

Mr. Keller said that the Commission agreed on the name, it was whether to do it in the development area or not, whether to do it in the rural area or not and we have dealt with both of those. Then within the development area, there is the question of the number for the single-family detached. It seemed that the majority of people were interested in the higher number as opposed that he would have a lower number for the number of rooms for attached. He said that seems to have gone with the larger number.

Ms. Echols agreed.

Mr. Keller said there was the number for the townhouse and the question about the condominium buildings and the answer was no. Therefore, we have in effect gone through the list that the supervisors have been interested in that asked you to talk to us about.

Mr. Dotson asked have we resolved the larger parking issue of the front yard, the setback and the points he raised.

Ms. Echols said the answer is no, in the rural area it is for a new use. What you are suggesting is that there be further restrictions on the existing use.

Mr. Dotson replied yes.

Ms. Echols said that would be more than the supervisors asked for, but is something that you could consider doing but thinks it is going to take a lot more work to get to something that we can come up and then that you all can agree with in a short period of time.

Mr. Dotson said the existing ordinance says in a single-family detached unit that typically would have a front yard that you need two parking places for the dwelling itself and for up to five bedrooms.

Ms. Echols replied no, you need three parking spaces per unit.

Ms. Ragsdale said and one parking space for each guest room, and you could need up to seven spaces.

Mr. Dotson said he was proposing that those seven spaces would have to be on site so that you are not jamming up the street, that you could not pave over wall to wall the entire front yard, would still have to be 50 percent of green space there so that it still seemed like a front yard. He said that the parking had to be setback whatever the minimum setback for structures is in that particular zoning district so you did not shoehorn seven cars into a site so it started looking like outdoor display for an auto dealership.

Mr. Keller noted that he originally came up with that idea based on something that was happening on Rugby Road in the city and based on experiences in Norman Oklahoma on football game days. Therefore, he was supportive of that concern. He said we had somebody from Canterbury Hills here and he was not sure if the homeowner's association would preclude that happening, but my sense is that it might not as an older subdivision. Therefore, we might actually have some neighborhoods that could immediately be affected by this if we do not have some sort of restriction for parking in the front yards. He said staff could say the supervisors did not ask it, but he thinks if they understood that there was a potential significant negative impact on amenity qualities in neighborhoods that they would be concerned. He said that is a long way of saying he supports what Bruce is saying.

Ms. More said you are saying that is not what we were asked to do, but it would take some time to pull it together. She asked is there a way that because we have answered the questions that were asked or if the Commission was agreeable just to pass that concern onto the Board. She said we could not solve that problem potentially now but recognize that there could be one and push that forward to them as a concern that we would share on top of what was asked.

Ms. Firehock asked to tag onto that to say she is appreciative of the attempt to restrict them just paving their front yards so they can have a giant parking lot in front but would hope that the subdivision itself would have an ordinance in place that would prevent someone from doing that to their front yard,. However, she would say if she was living in a subdivision and say one-fifth of the houses massively expanded their parking lot to take up one-half of the front yard she thinks that would cause a decline in the quality and appearance of that neighborhood. So frankly, she does not know that she could support seeing them taking up one-half of their front yard with parking and thinks it would be awful.

Mr. Keller noted he thinks in the city it is a quarter not a half.

Ms. Spain said another issue raised was about whether the whole house has to be occupied as a primary residence.

Ms. Ragsdale noted that is a requirement.

Ms. Spain noted that was what we are talking about and Ms. Firehock raised as an issue and one of the members of the public for the rural area.

Ms. Ragsdale replied that we have not recommended that requirement go away. The directive staff had from the Board was limited periodic whole house rental. In some of our reports that went to the Board, we did not feel like the policy supported vacation rentals. So if you don't have the owner or manager requirement, then that gets to

some of the concerns about people buying up the properties for solely rental purposes; So keeping that owner/manager requirement in the rural area she thinks was a way that we did not have a proliferation of the commercial type of rentals. We have some out there that are more commercial in nature because they are bigger and are managed by a hotel chain perhaps, but that would keep it to the more local owner occupied limited basis.

Ms. Spain asked how we address the issue that the man raised about the family house that he wanted to keep and Ms. Firehock's points.

Ms. Ragsdale replied that they have options to get an owner or manager to reside on the property.

Ms. Spain noted which would cost them something since they would have to pay someone to do that.

Ms. Ragsdale said that it would be a tenant, but would not know how it would work. However, that was one of our discussions when we were trying to figure out a way because we cannot have ownership based regulations or separate regulations specific for inherited properties.

Ms. Spain said she understands that, but do you have an answer on how that could be addressed.

Ms. Firehock said that the fact that the number of days per year that they can be rented out is already restrictive, I am not going to run out in Albemarle County and buy myself another property that I can rent out for a limited amount of days as my big "cash cow". She said it was not proposed by me tonight that the rural properties have whole house rental without a manager present for an unlimited number of days per year. She said you have a number on that so she thinks that really does stifle the speculation that people are concerned about. She also wants to bring up a process question to staff which is yes the Board asked us to consider some things for them to assist them in their deliberations and that is our job. However, it is also within our purview to say the Board did not ask us this question but we have answered it nevertheless. We are just requesting that staff pass on these considerations and she is even requesting you pass on some of my considerations, Commissioner More's and Commissioner Dotson's considerations that we did not vote on but that they have brought up. Ms. Firehock said she knows they will be in the minutes but asked staff to help us do our due diligence that there are some other things the Commissioners suggested and you can say six of them agreed with this and only one outlier Firehock said that but nevertheless just asking that we can find a way. She said this is complicated and does have some repercussions. She was not sure that everyone really understands out in the rural area when you inherit or have a property that you are still trying to maintain. It is not so easy to find residents or managers to live on there too. She said a number of her neighbors have struggled with that as well.

Ms. Spain said if you emphasis that this is an issue that was brought by a member of the public that reinforces our attention to it and our attempt to work with it.

Ms. Echols replied that staff would be glad to do that and are things we want to convey to them. She said she thinks we are done.

Mr. Keller thanked everyone. He said the concerns about the parking in the development areas and the concerns about the resident either owner or manager in the rural areas are both going to be noted for the Supervisors to see.

Mr. Bivins said that is a bigger issue and not just a rural issue. He said there are people who live in the development part of our community who have inherited property who have to figure out what to do with it and their option is not to put a long term tenant in it. Therefore, he would say that is a unique urban issue.

Ms. Firehock said that it had to do with the proximity and the fact that some of the residents were expressing concern about people kind of coming and going in close proximity. Therefore, she was not saying that there was not that issue in the urban area.

The meeting moved to the next item.

Committee Reports

Mr. Keller said that given the weather he asked the Commissioners to talk about the committee reports next time. It was the consensus of the Planning Commission to postpone the committee reports until next time.

Review of Board of Supervisors Meeting

Ms. Echols asked to postpone the review of the Board of Supervisors, and Mr. Keller agreed.

Old Business

Mr. Keller invited old business. Hearing none, the meeting moved to new business.

New Business

Mr. Keller invited new business. He noted the following:

There will be no Planning Commission meetings on Tuesday, March 27 and Tuesday April 4.

The next Planning Commission meeting will be Tuesday, April 10 in conference room 241 beginning at 6 p.m.

The meeting moved to the next agenda item.

Items for follow-up

Mr. Keller invited items for follow-up. Hearing no further discussion, the meeting moved to adjournment.

Adjournment

There being no further business, the meeting adjourned at 8:36 p.m. to the next Planning Commission meeting on Tuesday, April 10, 2018 in conference room 241 at 6:00 p.m.

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Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 5-22-2018
Initials: sct