Albemarle County Planning Commission
August 7, 2018

The Albemarle County Planning Commission held a joint work session with the Albemarle County Board of Supervisors on Tuesday, August 7, 2018, at 6:00 p.m., at the County Office Building, Conference Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Planning Commissioners attending were Tim Keller, Chair; Julian Bivins, Pam Riley, Vice-Chair; Daphne Spain, and Bruce Dotson. Absent was Karen Firehock, Jennie More and Bill Palmer, UVA representative.

Board of Supervisors members present were Ann Mallek, Chair; Norman Dill, Ned Galloway, Diantha McKeel, Liz Palmer and Rick Randolph.

Other officials present were Christy Shifflett, Director of Project Management Office; Megan Nedostup, Principal Planner; Elaine Echols, Chief of Planning; Claudette Borgersen, Clerk to Board of Supervisors; Travis Morris, Senior Deputy Clerk, Sharon Taylor, Clerk to Planning Commission, Jeff Richardson, County Executive and Greg Kamptner, County Attorney.

Call to Order and Establish Quorum

Agenda Item No. 1. Call to Order and Establish Quorum. At 3:02 p.m., Ms. Mallek, Chair, of the Board of Supervisors, and Mr. Keller, Chair, of the Planning Commission, called the meeting to order for a joint work session of the two bodies.

Claudette Borgersen, Clerk to Board of Supervisors, noted that a new sound system had been installed last week in this room. There are no headsets or lapels to worry about; however, everything you say will be picked up on the recording so any side conversations that you may have will be recorded so please keep that in mind throughout the meeting.

Ms. Mallek said our agenda today is a work session ZMA-2018-3 Southwood Phase 1 and Christy Shifflett and Megan Nedostup would be presenting.

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Agenda Item No. 2a. **Work Session: ZMA201800003 Southwood Phase 1.**
MAGISTERIAL DISTRICT: Scottsville.
TAX MAP/PARCEL(S): 090000000001A0; 090A10000001E0; 076000000051A0.
LOCATION: Southwood Mobile Home Park located along Old Lynchburg Road (State Route 631) off of Hickory Street approximately 350 feet from Ambrose Commons Drive.
PROPOSAL: Rezone property from residential to a mixed use- mixed income development. PETITION: Rezone 32.5 acres from R2 Residential zoning district, which allows residential uses at a density of 2 units per acre, and Neighborhood Model District (NMD), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Neighborhood Model District (NMD). This request includes amending a portion of ZMA200500017 Biscuit Run included on TMP 90A1-1E which is zoned NMD to remove the proffers from the parcel. A maximum of 400 units are proposed for a density of approximately 12 units per acre. A maximum of 120,000 non-residential square footage is also requested.
OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved
PROFFERS: No.
COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams; Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses with a Center in the Southern Neighborhood within the Southern and Western Urban Area Master Plan.

MONTICELLO VIEWSHED: Yes.

The Executive Summary forwarded to the Board states that Southwood Mobile Home Park is located approximately 1⁄2 of a mile west of the Covenant School, and approximately 2 miles southwest of 5th Street Station. The area proposed for rezoning was formerly part of the Biscuit Run State Park land and consists of three parcels located to the east of Old Lynchburg Road and southwest of the existing Southwood community. The parcels are heavily wooded. The edges of Parcel 090A1-00-00-001E0 contain preserved and managed slopes, and partially lie within the 100 Year Floodplain and Stream Buffer. Attachment A shows the location of the mobile home park and area proposed for rezoning.

The applicant is proposing to rezone three parcels: two parcels are currently zoned R-2 Residential (2-3 units/acre) and one parcel is zoned Neighborhood Model District (NMD up to 34 units/acre). The proposed district is a unified NMD for all three parcels (up to 34 units/acre). The applicant is also requesting waivers for alternative parking locations and for substitution for recreational facility requirements. While not essential for this work session, the applicant will be providing a traffic study and proffer statement in the future. Attachment B provides the Code of Development (COD) and Attachment C contain the Application Plan.

The purpose of this work session is for Habitat and staff to receive answers and direction from the Planning Commission and the Board of Supervisors on key questions about the character of the transect areas, level of detail provided in the Code of Development and Application Plan, and provision of affordable housing. The action of the Planning Commission and the Board is non-binding but is meant to help advise the applicant on next steps. In addition, this is an opportunity to give the Planning Commission and Board members, who have not been fully involved in this effort to date, an overview and background of all the work and collaboration that has occurred between the County and Habitat.

Currently, there are 341 mobile homes and approximately 1,500 residents in Southwood. Southwood contains the largest concentration of substandard housing in the County, which Habitat plans to replace with new units that will meet codes and ordinances using a phased development approach.

Habitat is committed to redeveloping Southwood as a well-designed, sustainable, mixed income community of substantial benefit to the region guided by the following core values: (Page 5 of the Code of Development)

- Non-displacement
- Net increase in affordable housing
- Community engagement
- Asset-based approach
- Self-help model
- Fiscal responsibility

Habitat has had success with other mobile home park redevelopments without displacement, such as Sunrise Park in the City of Charlottesville. The Southwood redevelopment is expected to uphold the same values, although it would occur at a significantly larger scale.

Key Milestones Relevant to the Southwood Rezoning Proposal

A summary of activities, meetings, and review of the project is provided as Attachment D. This history represents the extensive outreach and collaboration of Habitat to Southwood residents and its partnership with the County in preparation for the redevelopment and this rezoning request. Key milestones include:

- 2007 -- Habitat for Humanity (Habitat) acquired the Southwood Mobile Home Park.
- 2011 -- Habitat established core values for the Southwood redevelopment project. The most important value is non-displacement, while others include increasing the net amount of affordable housing and using a community-driven approach.

- October 5, 2016 -- The Board of Supervisors approved a resolution for a partnership between the County and Habitat. (Attachment E)
- November 2016 -- Southwood redevelopment Action Plan was included as part of the Albemarle County FY17-19 Strategic Plan, under the 'Revitalize Aging Urban Neighborhoods' priority.
- January 2017 through April 2017-- Habitat led a series of bimonthly workshops through which 70 Southwood residents became versed in planning and design topics from neighborhood and land use planning to block patterns and road design.
- March 2017 -- Habitat acquired the 20-acre 'exchange parcel' from the Virginia Department of Conservation and Recreation, giving Habitat the space it needed for redeveloping Southwood. This would allow Habitat to build in a greenfield area without having to move residents out of their homes.
- September 8th, 2017 -- The Board of Supervisors considered questions from Staff on Southwood and provided additional input. The Board emphasized that this project should be flexible and adapt over time, and should be directed by residents as much as possible. The Board recommended that a variety of commercial uses be allowed, determined mainly by residents, and that residents have opportunities to start and continue their own businesses.
- January 10, 2018 -- The Board of Supervisors unanimously approved the appropriations, redevelopment team approach, action plan for Phase I and the Performance Agreement for the Southwood redevelopment project. The appropriations included $400,000 (FY18) for the ZMA application process and $275,000 (FY19) for the application plan and code of development. (Link to Documents)
- February 20, 2018 -- The ZMA application for Phase I was submitted by Habitat.
- June 2018 -- Two charrettes were held to provide more clarity and detail for the application from discussions within the Executive Team, Southwood residents, Habitat staff (including their consultants BRW Architects, Water Street Studios, Timmons Group Engineers), Board of Supervisors members, Planning Commission members and County Staff attended. Residents used scaled wooden and paper pieces to build their concept of Phase I, including housing, parking, roads and greenspaces. They incorporated different types of housing, both market and affordable, as well as a mixture of uses. Habitat consultants are currently designing renderings that will use residents' models from the charrettes, while accounting for environmental and other limiting factors.
- July 2, 2018 -- The ZMA application for Phase I was resubmitted.
- July 26, 2018 -- Habitat and their consultants held a meeting/charrette where they presented the combined renderings from the results of the June charrettes to the Southwood residents.

Due to the scope and complexity of the proposed redevelopment, a multi-disciplinary/functional team approach was presented to the Board that included teams for the following areas: Planning, Services, Policy Funding, and Executive team which would be led by the residents vision for Southwood. See diagram below.

Team Diagram:



Details on the Rezoning Application

Phase I of the Southwood Redevelopment project is to rezone the three parcels along Old Lynchburg Road, including the 'exchange parcel' described in Attachment D. The first part of this development would be the constructing a model village which will set a standard for the larger-scale redevelopment to occur in Phase II. Phase I will also provide residents with a chance to see an accomplished section of the overall project.

This rezoning is the first of its kind to involve a redevelopment where replacement housing on a large scale is proposed for existing residents. Most residential rezonings have been for green field development and have included a masterplan for all parcels involved in the new development. In this case, the applicant believes there are overriding goals and safeguards that justify moving forward with rezoning only a portion of the property. Habitat has a commitment to resident-led design and a goal to prevent displacement of any resident who wishes to reside in the community. As a result, Habitat wants to build housing on the exchange parcel and move current residents there to make room for redevelopment in the area that already contains homes. Habitat hopes to build trust with the residents by showing progress and making sure they have a voice in how Southwood develops. These factors and the County's commitment to be involved in the project lead to staff support of Habitat's approach to only rezoning a portion of the property at this time.

As seen in the Code of Development and Application Plan (Attachments B & C), Block A of Phase I would consist of mainly residential uses with opportunity for small neighborhood scale non-residential uses. Block A would have between 110 and 150 units in a variety of unit types. Any commercial uses would be at a neighborhood scale, such as a coffee shop or community center. Block B would have up to 250 units and more intense commercial uses. The area for commercial uses is intended to provide an opportunity for Southwood residents as well as others to open businesses.

Expected Timeline for Development

The applicant hopes for approval of this Phase 1 rezoning in early 2019. To achieve this, the applicant intends to complete work on the ZMA application in September 2018, with an October Planning Commission public hearing and recommendation to the Board of Supervisors in December. Habitat and County staff expect to provide planning workshops for Southwood residents in fall 2018. . Once the ZMA is approved, Phase I will then move to the site planning process and construction in 2020 and residents

moving into the village in 2021. The Phase II ZMA would likely be submitted in 2020 and buildout is expected to be completed in 2033.

Questions
As stated earlier, the purpose of the joint work session is for the Commission and Board to provide guidance on the proposal. Below are the questions for which answers are requested. Staff has provided comments to help guide the Commission and Board's understanding before weighing in.

Q1: Is the character of each area (described on Page 29 of the Code of Development and detailed on pages 30-32) appropriate or are improvements or changes needed?

Habitat and their professional consultants have worked closely together with the Executive Team, Planning Team, and most importantly with the residents of Southwood to revise and resubmit their rezoning application to address concerns from the County regarding the amount of detail provided within the Code of Development. In response to the concerns, Habitat and their consultants completed three design charrettes with the residents of Southwood. The results of these design charrettes have developed character areas showing density, open space, a variety of unit types, a mixture of affordable and market rate housing, with a more detailed code of development as noted above.

Staff Comment
Early in the rezoning process, Habitat and their consultants completed three design charrettes with the residents of Southwood. The results of these design charrettes have developed character areas (transect) showing density, open space, a variety of unit types, a mixture of affordable and market rate housing, with a more detailed code of development as noted above. To evaluate how well the areas conform to the County's design expectations for all development, staff analyzed the proposed Transects in relation to the Neighborhood Model Principles below:

1. Pedestrian Orientation: *All transects contain street sections where the sidewalk is not buffered by a planting strip or street trees, although all sidewalks are at least buffered by a parking lane. Block lengths are not specifically described; however, the environment is designed to be walkable and accessible for pedestrians. Street furniture, crosswalks and outdoor lighting are not specifically mentioned as proposed improvements.*

2. Mixture of Uses: *All Transects allow for a mixture of uses. Uses transition gradually from a higher intensity in T-1 to a lower intensity in T-5. Trees will be used to screen parking.*

3. Neighborhood Centers: *All Transects are expected to have their own character and sense of place, which will be determined with residents' input. T-3 is the only transect that specifically calls for a "distinct identity as created by use, connection, form or material."*

4. Mixture of Housing Types and Affordable Units: *All Transects allow for a variety of housing types by right. There is no minimum lot size for any of the Transects. A commitment has been made for 43% on- site affordable housing within the overall development. Affordable housing is discussed later in this report.*

5. Interconnected Streets and Transportation Network: *When redeveloped, the mobile home park is expected to retain its interconnected street system. The rezoned area will connect to the existing Southwood development with a future road connection into the exiting network, as well as the proposed trail system will connect to the existing trails within Southwood.*

6. Multimodal Transportation Options: *Options will be provided for pedestrians, bicyclists, motorists and public transit users. CAT service will continue to operate in the Southwood neighborhood with the Services team advocating for an extension of that system. Bike lanes are listed as optional for the T-1 and T-2 areas and would add 4' to the ROW width. A trail is proposed (where) as a Class B Type 1 primitive trail to protect managed and preserved slopes but allow residents to access natural areas. Design standards call for this type of trail to have breaks to prevent erosion and a 20% maximum grade.*

7. Parks, Recreational Amenities, and Open Space: *Recreation amenities will be provided in accordance with the Zoning Ordinance with the exception that a request has been made for the proposed pedestrian trail to substitute for one required tot-lot in Block A. No greenspace or amenities are indicated in T-1 or T-2 (Block B), although 90% of units in Block B will be within ¼ mile of the proposed trail and multi-family and any proposed attached residential development will be subject to the recreation requirements stated in the zoning ordinance. All of Block A will be within ¼ mile of the trail or existing soccer field. T-1 and T-2 does provide for civic and open space opportunities.*

8. Buildings and Spaces of Human Scale: *Standards for building setbacks in T1-T-3 are within NM guidelines and keep buildings close to the street to provide a sense of enclosure and more active street environment. However, Transects 4 and 5 do not provide a maximum setback, which does not meet the NM guidelines. A maximum setback should be provided so that the units are close to the street.*

9. Relegated Parking: *The Code provides for buildings in all of the Transects to be oriented toward the street, although amenity-oriented lots are allowed. Amenity-oriented lots will have at least 40' between units, with the amenity at least 30' in width. On street or relegated parking is only required in T-1 and T- 3. Front-load garages are not permitted in T-1 and T-2, and must be setback at least 18' in the other Transects. Side-load garages are permitted in T-3, T-4 and T-5. Applicant is requesting a waiver to allow parking requirements to be met in alternative locations, and not necessarily on the parcel. This includes off-street, on-street, alleys and parking lots. Parking must be within 200' of the associated parcel.*

10. Redevelopment: *This NM principle does not apply to the first phase of Southwood, but will apply to the second phase of redevelopment.*

11. Respecting Terrain and Careful Grading and Re-grading of Terrain: *Managed and preserved slopes will not be disturbed with development on the rezoned parcel.. The proposed trail along managed and preserved slopes is a Class B Type 1 primitive trail, which will respect grading and be designed with erosion-prevention in mind.*

12. Clear Boundaries between the Development Areas and the Rural Area: *Southwood is not adjacent to the Rural Area. There will be a 30' preserved mature tree buffer along Old Lynchburg Road.*

On the whole, staff believes that the character/transect areas are appropriate and workable with some additional revisions.

Q2: Do you support Habitat's proposal to a future commitment of 43% on-site affordable units for the overall project during future rezonings knowing that with this rezoning for Phase I the affordable housing commitment is only within Block A, and two outcomes are possible that would equate to less than 43% overall?

Given that Southwood residents are focused on designing model villages in Block A and have created a code of development for Block B to allow for more outward facing uses, Habitat focused its commitments of affordable housing to Block A and to the future sections of the site as it rezones and redevelops. Therefore, no affordable housing is committed to be located in Block B. The details of their affordable housing proposal is located on page 18 of the COD.

There are two scenarios that have been provided by Habitat for Block A regarding affordable housing for this first phase rezoning. The first is that they have committed to 43 units out of 110 to be provided within Block A. This equates to 12% overall in Phase I if Block B builds out to the maximum proposed density/residential units.

In the second scenario, Habitat has committed that if Block A exceeds 110 units, 43% of the total units in Block A will be affordable. This equates to 16% provided overall in this phase if both Block A and Block B build the maximum proposed density/residential units.

Habitat has stated that they will provide a future commitment of 43% over the whole project during subsequent rezonings for the other phases, and will provide 43% within Block A if density increases over 110 units. However, as explained above, there is a scenario in which only 12% affordable housing will be provided in this phase. Since non-displacement is the most important goal for the redevelopment, the 43% corresponds to the number of units expected in the whole project for current Southwood residents.

Staff Comment

The Housing chapter of the Comprehensive plans contains many objectives and strategies in relation to affordable housing. One of those strategies, under Objective 6, is to ensure that at a minimum, 15% of all units developed under rezoning and special use permits are affordable. While in one scenario for Phase I of Southwood would not provide the recommended 15% affordable units, the overall commitment of 43% will well exceed the recommendation. The Policy Team that was formed since the adoption of the Action Plan has recommended that a commitment should be made that would provide a minimum of 15% affordable housing in accordance with the recommendation in the Comprehensive Plan, and staff supports this recommendation.

The redevelopment of Southwood will be meeting many of the other objectives outlined in the Housing chapter of the Comprehensive Plan. These include the following:

1. ***Objective 1: Support the provision of decent, safe, and sanitary housing in good repair for all residents****. With the redevelopment, all of the substandard mobile homes will be replaced with housing that meets this objective.*

2. ***Objective 2: Ensure that housing is equally available to all populations.*** *Southwood will provide housing options for people of all incomes and populations by creating a mixed income community.*

3. ***Objective 3: Provide for a variety of housing types for all income levels and help provide for increased density in the Development Areas.*** *The proposed density for Phase I is within the proposed density recommended in the Comprehensive Plan. The Code of Development also allows for a large variety of housing types within Block A and Block B, including multi-family, townhouses, single family detached, accessory apartments, carriage units, and other attached single family.*

4. ***Objective 5: Support provision of housing which meets the needs of various ages and levels of mobility.*** *Southwood consists of a number of residents that have mobility needs as well as seniors. Habitat has made the commitment to non-displacement for any current resident that wishes to stay in the community. In addition accessible sidewalks and pedestrian paths are proposed, access to public transportation system will remain (CAT and Jaunt), and assisted living is an allowable by-right use within Block B.*

5. ***Objective 7: Promote the inclusion of affordable units throughout neighborhoods and strive for similarity in exterior appearance to market-rate units.*** *In other mixed income communities within the area that Habitat has built, the affordable homes are indistinguishable to the market rate units.*

Q3: Given that one of the goals of Southwood redevelopment is to catalyze affordable housing opportunities throughout the region (page 5 of the COD) and that Southwood residents may want flexibility to choose other locations, what are your thoughts concerning Habitat's proposal to provide 51% across jurisdictions and not just within Albemarle County? Do you support this proposal?

On page 18 in the submitted COD, Habitat has stated that they will make a commitment to provide 43% of the housing developed on-site to be affordable over the whole project with future rezonings. Additionally, a commitment that 51% of the total housing units will be affordable allowing for cross jurisdictional (in other areas of the County or adjacent jurisdictions) development. Habitat has stated that the whole redevelopment is projected to allow up to 800 units. The 43% commitment would equate to non-displacement for all the residents of Southwood (341 homes). In order to address the goal of increasing

the affordable housing stock in the region, Habitat has committed to providing up to 51% either on-site or in other jurisdictions.

Staff Comment Question

The Neighborhood Model and the Housing Chapter of the Comprehensive Plan state that affordable housing units should be dispersed throughout the Development Areas rather than built in enclaves. The Housing Chapter of the Comprehensive Plan recommends as a strategy that the County develop a plan for a regional cooperation for affordable housing that is connected to community amenities, parks, trails and services in the City of Charlottesville and Development Areas of the County. In addition, the strategy states that each of the Commissions in the City and the County believe that a more regional collaboration on housing is needed.

The County's policy and practice for rezonings is that the units are provided on the property proposed to be rezoned, which is under the control of the developer and allows for easy tracking of the units. However, Habitat's proposal could be seen as a way to better disperse affordable housing than potentially create an enclave in Southwood. It could also meet the objective to create a more regional approach to provision of affordable housing. In addition, allowing for 51% to be provided in other areas of the region could allow more flexibility for the residents of Southwood, or other community members looking for affordable housing, to choose where they would like to live. Staff believes that provision of affordable housing outside of Southwood is supported by the Comprehensive Plan; however, it might be more appropriate to limit the area to just Albemarle County or to jurisdictions adjacent to Albemarle County.

Q4: Within the Code of Development and Application Plan that has been submitted, are there aspects that require additional detail?

Staff Comment Question 1

Habitat and their professional consultants have worked closely with the Executive Team, Planning Team, Policy Team, and most importantly with the residents of Southwood to revise and resubmit their rezoning application to address concerns from the County regarding the amount of detail provided within the Code of Development. In general, staff believes there is sufficient information to understand the expectations for the project and enforce its zoning. There are a few technical issues that need to be resolved but by and large, staff is satisfied with the amount of detail provided in the COD. Due to the fact that staff has been closely involved with the preparation of the project, staff and the applicant want to make sure that it appropriately meets the Commission's and Board's expectations for clarity and detail.

Staff recommends that the Board of Supervisors and Planning Commission provide input to staff and the applicant at this meeting to help Habitat complete preparation of its rezoning request for a public hearing.

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Ms. Megan Nedostup, Principal Planner, provided an outline for the meeting agenda and introduced Ms. Kristy Shifflett, Director of Project Management.

Ms. Shifflett stated that she is the Project Director for the Southwood project and stated that the goal for this meeting was to present the same information and become grounded in the same facts, as well as getting input from both the Board and Commission to help reach consensus on the topics related to the project.

Ms. Shifflett reported that in fall 2016, the Board had adopted a resolution for partnership with Habitat for Humanity to focus on the Southwood project, and she noted that this was a bit different from typical rezonings and reviews. Ms. Shifflett explained that the County has committed itself to extensive collaboration and coordination with the project developer, affected residents, public agents, and County staff and officials. She stated that staff had been focused in working with Habitat through the entire rezoning process and wanted to come together as partners to show what had been developed to date and help the Board and Commission understand that the same rules and regulations applied to this rezoning, despite the need for heightened collaboration.

Ms. Shifflett reported that in November 2016, the Southwood Redevelopment Action Plan was included in the County's strategic plan; and in January 2017 they came together and passed the action plan, which led to this meeting and ultimately the final rezoning. She stated that in February, Habitat submitted the ZMA application and also hosted a lot of charrettes with Southwood residents, which also involved Board and Commission members. She said that Habitat resubmitted the ZMA application on July 2, which was the last action prior to this joint work session – with the hope for resubmittal of the application on September 4, to go to the Commission for public hearing in October and the Board in December.

Ms. Shifflett stated that Southwood was located on Old Lynchburg Road and pointed it out on a map provided, noting the location of critical resources and the three parcels being proposed for rezoning. She said that one parcel was part of the original Biscuit Run rezoning and is referred to as the "exchange parcel" because it was exchanged with the state, and all three parcels are greenfield parcels without houses or improvements. Ms. Shifflett pointed out the environmental constraints, including water protection buffers, floodplains, and preserved slopes.

Ms. Shifflett explained that Habitat was proposing to rezone the three parcels, with the two closest to Lynchburg Road currently zoned R-2 residential to be zoned NMD, and the exchange parcel already with that designation to be amended to be part of this proposal. She reported that the proposal consisted of two blocks: Block B, which was adjacent to Old Lynchburg Road; and Block A, which was in the exchange parcel. She said the main entrance was off of Hickory Street from Old Lynchburg Road, with a new main road proposed to go into the exchange parcel and into the site. She noted that the applicant was also including some potential future connections into the existing Southwood Mobile Home Park and a potential secondary fire access. She reported that Block B was the most intensely developed part of the proposal, with both non-residential and residential uses permitted and Block A anticipated to be mostly residential with limited non-residential uses that were restricted in intensity by the size.

Ms. Rose Glasgow, a Resident Planner for the Southwood project, addressed the Board and Commission and stated that the redevelopment was a huge undertaking that involved the resident community in the transition to a new and different direction. Ms. Glasgow stated that over the past year and a half, the resident redevelopment committee had spent more than 1,500 hours, along with engineers, architects, and County planners to cultivate this innovative project. She mentioned that an EF-0 tornado had touched down right in Southwood's backyard, and residents were extremely excited to know that their new community would alleviate the stress of uncertain and changing weather conditions. Ms. Glasgow added that flexibility of all involved in the redevelopment projects would also be key as they strive toward the goal of safe, affordable, healthy family-based housing. She encouraged expediency in the process and said this would be a new model for future redevelopment projects.

Ms. Marta Trujillo, an interpreter, provided a verbal Spanish interpretation of Ms. Glasgow's comments.

Mr. Dan Rosensweig, President and CEO of Habitat for Humanity, addressed the Board and Commission and expressed his appreciation for those – especially residents – who put together the code of development in a unique partnership. Mr. Rosensweig explained that Habitat purchased Southwood in 2007 and for the first four years was trying to stabilize operations in the park, so they invested about $3 million in deferred maintenance for issues like backed-up sewage. He said that after doing Sunrise, their first trailer park project, the Habitat board defined "core values," with the first being upgraded housing.

Mr. Rosensweig stated that Southwood had 1,500 residents, but the condition of many of the trailers was not great and varied in condition. He said that Habitat's first commitment was for non-displacement, and they have come to understand that this must be holistic and encompass revenue streams, the sense of community, friendships, and spatial organization, among other aspects. He stated that one of the most important realizations was that Habitat was looking at the framework in a dated and detached manner, which did not work anywhere because it did not allow the residents to plan, design, and eventually own their community. Mr. Rosensweig cited an example of the residents coming to Habitat and saying they wanted a soccer field instead of a community garden, and the residents planned and built the field themselves.

Ms. Rush Otis, Habitat's Director of Redevelopment, addressed the Board and Commission and stated that the organization was able to reframe the project and accept the premise that not every partner had to be ready at once, instead recognizing that they could work with people as they became ready. She stated that this non-coercive approach yielded an "early adopted" approach, with residents who were ready first leading the charge on redevelopment.

Ms. Otis said one of the first questions to be answered in the most recent leg of the process was to identify where redevelopment would begin, and when Habitat talked with the state and the Department of Conservation and Recreation about 10 years ago, they discussed the aspirations and starting point for redevelopment – but in speaking with engineers and architects about the viability, it was determined to be quite expensive due to the greenfield nature of the site. She said that as they talked with residents, the physical and psychological residents of being able to start on a green site and ability to demonstrate to Habitat's commitment to non-displacement outweighed the costs incurred from a land development perspective.

Ms. Otis said that what was presented today was the first phase of a very long process of the first redevelopment and rezoning. She stated that the 32.5 acres of undeveloped land to the south and west of Southwood would provide an opportunity to demonstrate Habitat's commitment to non-displacement and ensure that residents' lives continued on in the fashion they were today. She stated that in January 2017, they realized they could not have a particularly authentic conversation with residents about design without first defining some of the vocabulary and building some skills – so they set out at the beginning to build some common language around what defined "density," what housing types were, and what some of the constraints that happened when going into a land development project.

Ms. Otis added that they also discussed the push and pull of land as a limited resource and the need to prioritize aspects of the project, which provided an opportunity for residents to learn these skills and shift their focus on what was best for the community as a whole – shifting from "me" to "we." Ms. Otis stated that they found from this process that the vision for the community from the resident perspective was the vision of an affordable and inclusive place to live, with enough housing for a diverse community to grow and flourish. She said they also invested in some resident leadership skills and committee work, giving the residents the opportunity to be the messengers around redevelopment – both with neighbors and with decision-makers such as state leaders and local officials, recognizing that the resident voice was stronger than anything a representative could do or say.

Ms. Otis explained that in the resident workshops, they got more specific as to what would happen in the first phase, with discussions around the process of rezoning and how a piece of land got through entitlements. She stated that they talked with residents about how the rezoning was really about setting up a framework for design and how they could ensure they had the rules and regulations to support an organic, vibrant redevelopment effort. She stated that the charrette process done most recently took a deeper dive into that process, taking those developed skills and putting them into practice, designing Block A. Ms. Otis noted that the work from the charrettes developed into the character areas and the regulations reflected in the code of development.

Ms. Otis stated that there were about 1,500 hours of volunteer effort by community members, with thousands of hours put in by County staff, as well as the engineers, architects, and landscape architects – who were at the table facilitating design conversations with residents. She said that this led to the ability to translate that energy and vision into a document that planners and officials can understand and use to evaluate what is requested in the rezoning. Ms. Otis stated that there were already 37 residents who have expressed an interest in the first phase, which would only grow as people got more excited and started to see the manifestation of the work. She said that the County was committed to continuing the resident-led process through the site planning of the next few villages and future rezonings, which would involve changes spanning over 16 years.

Mr. Bruce Wardell of BRW Architects addressed the Board and Commission, stating that his firm was part of the design team that included Timmons Group and Water Street Studios as community planners. He said that the most important partner in the team was the group of early adopters in the Southwood

community, with process intersecting with actual design work. Mr. Wardell stated that they brought back to the community charrettes done in June and responses to those done in July, and found that in translating the process and values, the community had developed an idea of the two blocks – Block B along Old Lynchburg Road, which was envisioned as a mixed-use commercial/residential area; and Block A. He said that a major amenity to the community was an 8.3-acre greenspace that surrounded the block and sloped down to the stream, with the community focusing on the desire for a connection to the natural area as an integrated part of the community.

Mr. Wardell emphasized the importance of getting the roads right in a neighborhood development, as they could provide a reinforcement to the connectivity, the way the neighborhood was organized, and the connections to open space. He stated that this was reflected in the proposed code of development, and they would discuss the possibilities for making the road systems reinforce the character of the community. Mr. Wardell said that the team took the work from the past 18 months and brought the understanding and knowledge the community developed, and then broke into four teams – with design proposals emerging from the charrettes. He stated that there was an amazing amount of energy in the room as residents were beginning to make their own neighborhoods.

Mr. Wardell explained that the groups had looked at open space, density, connections within the neighborhood, etc., and found consistent patterns, so the professional design team interpreted those patterns into the character areas as seen in the code of development, along with a matrix that evolves into defined dimensions and organization. He stated that the design team then took the charrettes and brought back some ideas as to how the neighborhood could be developed in two different ways. Mr. Wardell said that they had the character of a “central green” where everything was facing and possibly weaving into the next phase of the community – and a very different approach with smaller greens in different parts of the neighborhood, with 6-12 homes organized around each green. He stated that it would have been easy to take the process out of the neighbors’ hands at this point, but instead they gave it back to the residents to make it better.

Mr. Wardell said that the package before the Board and Commission attempted to lay the design and process aspects on top of each other so they know the process being developed has the capability of creating wonderful neighborhoods but also enabled residents to have their own neighborhood in their own hands.

Mr. Trevor Henry, Assistant County Executive, stated that the video and audio of the meeting were available in the auditorium if people preferred to sit down.

Ms. Nedostup asked the Board and Commission to refer to question one in their packets: Is the character of each area as described in the code appropriate, or are improvements and changes needed? She noted that transect one refers to the most intense transect, with transect five being the least intense. Ms. Nedostup mentioned that since the report was written, there had been concerns expressed about Block B and the transects T-1 and T-2, so she thought it might be good to address those areas first.

Mr. Bivins commented that in starting with Block B, which was the mixed-use area that would be facing out, and he stated that the land in the area is wonderful and reminded him of a planned community in Maryland known as Greenville. He said that he would like a sense of how Block A would be integrated so it had a similar feeling to Block B, and how long it would take for an eight or nine-year-old to run an errand such as buying some bread. He clarified that he was trying to establish the walking time and distance from the center of T-4 to the intersection of where Hickory came off of Old Lynchburg Road – and then down to the Boys & Girls Club.

A representative from Water Street Studio indicated that it was about a 10-minute walk at the most, being about a quarter-mile total.

Mr. Wardell noted that the design team was working with the planners of the trail, which would hopefully go behind Mill Creek and connect with the trail system in a multi-use path that went through the green

areas, with a total length of about two miles off road. He noted that the idea was for a trail that straddled Biscuit Run and connected to their internal trail system.

Mr. Bivins emphasized that there was a whole sense of safe community in the existing area.

Mr. Rosensweig stated that they would not have enough time at this meeting to address roads, but the road sections allowable by VDOT currently did not make for safe, neighborhood-scale placemaking-type pedestrian walkways. He said there were sidewalk requirements on both sides of the road that they would adhere to, probably with a planting strip between the back of the curb and the sidewalk. He added that ultimately, they would like to do shared streets, and the residents have said one of the best parts of the neighborhood is the fact that the kids ride bikes – and they were not enamored with the idea of bike lanes on roads, so the idea is for the off-road multi-use path that kids could use. Mr. Rosensweig added that this was also where the greenspace began to tie together the ultimate geographic center of the existing neighborhood.

Ms. Nedostup clarified that the residents were proposing a maximum of a six-foot-wide sidewalk, with a minimum of four feet, and they had recommended a wider swath for multi-use paths but that had not been integrated into the application. She added that County Transportation Planner Kevin McDermott had recommended a path at least eight feet wide for multi-use.

Mr. Wardell noted that it was 1,400 feet from the geographic center of Block A to the intersection of Hickory Road.

Ms. Palmer asked if that happened if they recommended it. Ms. Nedostup responded that it was part of their comments, so it would be heard as a desire from the Board and Commission, although she could not speak for them.

Mr. Rosensweig asked for clarity as to whether the desire was sidewalks on both sides and a certain width, or specific dimensions for a multi-use path.

Ms. Mallek stated that it was difficult to answer based on one chunk without the context of anything else, but sidewalks or ways for people to get places were topics that could be addressed.

Mr. Rosensweig pointed out that they had not shown the structure of the partnership between the County and Habitat, and they knew there were some tools missing from the general toolbox –mostly pertaining to standards of design but also possibly relating to zoning. He stated that along with rezoning, they were trying to push the envelope of what VDOT would accept as VDOT roads, and Habitat's opinion is that the right of ways and curb-to-curb sections were way too big for neighborhood scale in any neighborhood. He said that the hope is to approach VDOT to see how they can build neighborhood roads that existed pre-car culture, and without that element, it would be very difficult to knit the whole neighborhood together.

Ms. McKeel stated that there had been many discussions and concerns expressed already about this issue, so it was good that this team was also raising it.

Ms. Mallek commented that it was not completely outside the box, as VDOT mentioned context sensitivity in reviewing the roads that were put in at Old Trail.

Mr. Rosensweig stated that they had shots of the neighborhood streets in north downtown, which were the dimensions they were considering for this, and they would like to have that as the framework of the development and design.

Ms. Elaine Echols, Chief of Planning-Long Range, asked if it was fair to say that this group believed there needed to be more refinement of the pedestrian network in here, and those sidewalks were a key feature that needed to be concentrated on.

Mr. Randolph said that it encompassed multi-modal paths, not just pedestrian uses, because bike lanes were listed as optional for T-1 and T-2 but were accepted as critical in enabling people to move across Southwood on an east-west access as well as a north-south access.

Mr. Rosensweig said that it would be satisfactory to do them off street.

Ms. Riley stated that she would like to talk about the character of the buildings and the use in T-1 and T-2, as it was being proposed as the most intense but had the least information in the packets. She said that the table with various setbacks, heights, and restrictions allowed three to five stories, and her understanding was that Habitat was asking for a waiver of greenspace and parking on the entire Block B as they felt it did not need to be provided there. Ms. Riley added that she was also interested in understanding how Block B interfaced with the existing community and along Old Lynchburg Road.

Ms. Rush clarified that there was no reduction in parking at all requested for Block A and Block B, but they had requested flexibility in how they counted the parking, so that residents would have input into whether parking was directly on their site.

Ms. Riley said that she was mostly concerned about the commercial development.

Ms. Rush responded that there was no waiver requested for parking on Block B, and the waiver request was for the eight acres in the amenity areas to count for one of the tot lot requirements, based on the density in Block A.

Ms. Nedostup stated that Ms. Riley's comment was that the parking was not clear in the code of development that the parking was restricted specifically for residential uses and not for commercial, as it talked about the parking in general being able to be shifted around.

Mr. Randolph commented that it was easy to look at this project in isolation in association of Block A to Block B, but they also needed to be mindful that Block B interfaced directly across the street from an existing residential community – and without greenspace in Block B, he could easily see a scenario in which Block B looked like the Flats at West Main, but would be five massive stories. He emphasized that character referred to the context of the overall community and how it interfaced with other communities, and permitting five stories with no setbacks or greenspace in Block B seemed problematic to him.

Ms. Nedostup confirmed that there was not a proposed setback where after a number of stories or height the building would be stepped back to provide variation, and it was listed as three to five stories in that block with setbacks as zero.

Ms. Riley commented that there were no setbacks and what she would call completely flexibility.

Ms. Nedostup clarified that there was a maximum but not a minimum.

Ms. Mallek stated that with downtown Crozet, multiple stories were required, three stories were ideal, and any height above that would get special permission, with step backs all designed in the code of development. She stated that they were already designed and could not be lifted, but there was a way with multiple stories to create a very personable-sized street fronting Old Lynchburg Road and it did not have to be a mass.

Ms. Palmer said that there was a lot of new development, including affordable housing, going into the other side of Old Lynchburg Road, and she wondered if a traffic study had been done as it would be very important.

Mr. Wardell stated that they focused in the early stages on the residential aspects and found there were interested parties, so they began to respond to those specific interests. He explained that they realized they needed to set up a framework within which they can accommodate and address those interests, as there may be a third party that came in and did development here. Mr. Wardell emphasized that they

needed to establish a framework that was flexible but also one that would allow the neighborhood to evaluate the proposals. He said that no one was envisioning a long, five-story structure with no breaks in it along that street, as the street was envisioned as one half of a main street that the other side fronted on – with townhouses or similar. Mr. Wardell said they also did not imagine this to be fronting on Old Lynchburg Road because the access to the property is on Hickory Road and another entrance cannot be made off Old Lynchburg.

Mr. Randolph said that he understood that, but the community had invested significant time in planning Block A, and to turn Block B over to a third party to develop with no community involvement for development would hand over broad flexibility via these guidelines – with the potential for tall buildings with no setbacks or open space, along with other variables that lend to massification for other neighborhoods but also for Block A. He stated that Block B did not seem to be ready to advance, as it did not have the precision or community involvement that Block A had, and the ambiguity concerned him.

Mr. Wardell responded that Mr. Randolph's points were salient, but he wanted to emphasize that Block A would not happen without community involvement.

Ms. Nedostup pointed out that there would be an "internal ARB" per the code of the development; the way the zoning would work meant that what was in the code of development would have to be approved. She said that if a site plan came in with a five-story building, it would have to be approved if it met the code of development.

Ms. Riley stated that the job of the Commission and Board at this meeting was to provide feedback, and there were concerns about the lack of specificity in the code of development and the potential for massification. She said that she felt community involvement was a separate issue, although she happened to agree with it.

Mr. Rosensweig commented that the residents had rated the form-based code by indicating the kinds of structures and uses they wanted on that block, so the use matrix itself was entirely community generated. He said that Habitat disagreed in some aspects but deferred to the residents, and the form itself was regulated by the specific setbacks and step backs – and if the Board and Commission felt these would not yield something positive or appropriate, they should provide that feedback.

Mr. Keller suggested that they move onto the bigger issues, specifically the questions most related to the overall planning, as they were more implied in the first set.

Ms. Nedostup stated that this was implied in the first question, but she wanted to start with the Block B issues that she had heard.

Ms. Mallek asked if staff could provide the feedback about Block B. Ms. Echols stated that she was hearing that there needed to be more specificity about what was happening on Block B, and there was a strong desire that the relationship of what went there would be assessed and planned for both what was facing internally and what was facing Old Lynchburg Road. She said that there was a strong desire that there not be a canyon effect on either side.

Ms. Palmer noted that greenspace was mentioned.

Ms. Riley said that greenspace and parking were raised.

Ms. Echols stated that the character of the area did not need to be all buildings and parking without greenspace or open space.

Ms. Mallek that this would be applied to this type of development anywhere, and she would like to see the common expectations.

Mr. Kamptner said that he heard the desire for an expanded description of T-1 and T-2 on page 29; pages 30-31 would need parking and amenities clarified and enhanced. He said that page 31 in the code of development addresses front setbacks and step backs, and if these issues were not being raised now, the applicant and staff would surmise that the two bodies were fine with those items not discussed.

Mr. Keller responded that this was not the case.

Ms. Mallek mentioned that the three to five stories were concerns.

Mr. Kamptner said minimum and maximum lot sizes, building footprints, accessory structure setbacks, and other setback and step back requirements would be covered in that.

Mr. Keller commented that it seemed premature because there was a large portion not being addressed where 1,500 were living, and Mr. Bivins' point about connectivity and how that may or may not be developed was a significant piece of this. He said that this was why there were comments about the whole piece needing to be master planned together.

Ms. Echols stated that she would like to bring closure to the issues already raised, and she wanted to make sure that buildings over three stories would need special exceptions, as five stories were not acceptable as presented.

Mr. Randolph said that a special use permit should be required for buildings over three stories.

Ms. Mallek noted that the setback issue was different in different perspectives, as in downtown Crozet that was a 10-foot maximum because people wanted the buildings to front the street.

Ms. Echols added that Old Lynchburg Road and the internal street had to be considered in that.

Mr. Keller stated that he had questioned all along how much Habitat had paid for the property in the first place.

Mr. Rosensweig clarified that it was $7 million.

Mr. Keller said that having looked at some interesting revitalized properties in Texas and New Mexico, he looked at the largest parcel in this project and wondered what would happen if it were bought as a land bank with infrastructure put into it – with a partnership over time between Habitat and the County working with individuals who received the parcel they were living on and having parcels rehabilitated individually as families wanted them to do it. He emphasized that there had been constraints on what citizen involvement entailed, and perhaps it was not pertinent for this project but could be in future mobile developments. Mr. Keller said that he did not mean to degrade this approach, but he wondered if something more innovative could be done for less money, with open space reserved and the potential for money to be given back to support the land trust, given that this is a long-term buildout.

Mr. Rosensweig responded that resident-owned communities (ROCs) typically worked with the first intervention being an outside entity coming in and helping residents purchase the land from its owner. He explained that in this construct, a nonprofit helped residents create the equivalent of condo documents for joint ownership, which would have residents owning the land. He stated that typically this happened with mobile home parks where the infrastructure itself was up to standard, where in this case there were needs for improved water/sewer, with lot dimensions not allowable per County zoning regulations and roads not up to VDOT standards.

Mr. Keller asked if they were sure of that in terms of PUD potential. Ms. Nedostup confirmed that the current R-2 zoning would prohibit this, but a rezoning could possibly allow it.

Ms. Echols stated that she would like to know if they were okay in general with the form being proposed for Block A.

Mr. Randolph responded that he was not comfortable with no minimum setbacks in T-1 on the front, side, side corners, and rear – and he was also not supportive of no minimum lot size or building footprint.

Ms. Mallek said that the question seemed to be whether they needed more specificity in T-3, T-4, and T-5.

Mr. Bivins stated that there was a lot to grapple with in Block B because he was concerned that there would be a bifurcation between an active sense of entry into the Southwood neighborhood, but nothing was happening in the community once they came in and he agreed with Mr. Randolph regarding the concerns over transition between the blocks. He added that he had some concerns with the housing types in Block A, and there may be some approaches that would provide some uniqueness.

Mr. Keller said that he agreed with Mr. Randolph in that they were putting the cart before the horse, as they needed to know what was going to happen with the heart of the community and how the part not being rendered was going to be developed – and this needed to be clarified prior to them saying how they would develop the portions adjacent to the external edge and roadway.

Ms. Echols asked if there was agreement among other members or if they were comfortable with two distinct rezonings: one for the properties currently in greenfield, with the knowledge that in the future, the other part would come in for another rezoning. She asked if they were okay with the separation or if they wanted a single master plan.

Mr. Dotson responded that he was comfortable with this as a phase one, but there should be an overall concept that committed to key principles that would apply to both parts.

Ms. Spain stated that she shared the concern in wanting a fuller picture of the entire development, but she was also sympathetic to how Habitat can engage the residents in the entire process if the County demands an overall master plan. She said that this was just a first step, and the new part could be the model for directing redevelopment.

Mr. Keller said they also needed to be candid as to how many residents were involved in this on a recurring basis.

Ms. Mallek commented that they were doing their best, adding that with 8,000 people in Crozet, she still got 50-100 people involved.

Ms. Riley stated that they were not asking for a master plan but were looking for a conceptual plan, and they had already touched on a number of those elements. She said that the major concern for her was the lack of specificity and the intent for it to be the most intent use on Block B, and no sense of how it related to the existing community. She emphasized that a conceptual plan was necessary to address the issues raised thus far.

Ms. Echols said that the distinction was the level of commitment and whether having a conceptual plan was sufficient, and whether they would be okay with just seeing a general conceptual layout that addressed connectivity and relationships to the existing development.

Ms. Palmer said that this would be the basis for the rezoning.

Ms. Echols clarified that it would be for phase one rezoning.

Ms. Mallek suggested proceeding with Block A now, getting more information about Block B, and then letting the existing part be phase two.

Ms. Echols said that they seemed to be supportive in general of the parameters in the code of development for Block A, and she would like to move onto the next item.

Ms. Riley commented that she was comfortable with Block A, but had concerns about the sidewalks and the buffering of sidewalks, which was standard in Neighborhood Model Development.

Ms. Palmer asked at what point a traffic study for Old Lynchburg Road would be available. Ms. Nedostup replied that it was being submitted.

Mr. Craig Kotorski stated that they have been working with VDOT on getting background traffic data, and VDOT was already doing a study in partnership with the County. He said that they received information three or four weeks earlier and were finalizing the traffic study, noting that they had set some caps related to total traffic coming out of the redevelopment, and it considered the entirety of the property. Mr. Kotorski added that the study would also consider different traffic patterns that could occur if Block B were more commercial versus multi-family residential, as that would be going out onto 5th Street whereas commercial would be coming in. He stated that he anticipated the study information to be submitted within the next week.

Ms. Shifflett mentioned that the executive team had met and submitted a request to Habitat on June 6 asking for an overall concept plan, with the stipulation that it would not be binding and should reflect reasonable estimates, locations of density, approximate number of affordable housing units, road networks, blocks and uses. She said that the language of the memo stated that it was acceptable to the County that the concept would change during phase one's actual development, and the requested concept plan would be separate from the code of development. Ms. Shifflett noted that some of the key components – road networks, blocks, uses and housing units – were difficult considering they would be planned at a later date.

Ms. Mallek said that the existing and new roads should meet in a way that encourages connectivity, with sidewalks and greenways helping to connect this, and that was enough for her to know it would be possible. She stated that having an approval for Block A and Block B and having those be successful depended upon the successful completion of the second phase – otherwise it didn't work. Ms. Mallek emphasized that they would be getting a tremendous investment in the first phase that would yield hard work to bring the second phase into existence. She commented that failure was not an option here, so they would just have to maintain effort to make it work, and everyone around the table wanted to do that. Ms. Mallek added that she was hopeful that with the infrastructure connections identified, they would have enough information to be comfortable going forward in two phases.

Mr. Dotson stated that he found the photographs of the models of the blocks the residents put out to give a holistic picture, and perhaps they could be used going forward to help develop a conceptual plan.

Mr. Wardell commented that planning something over an existing property that residents had not been part of was the moment they took the process back and undid everything they have worked for over the last seven or eight years. He said that when they talked about concept, they could talk about "heat maps" that denoted similarities in things like edge conditions or internal blocks – without putting community centers, roads, and parks over someone's existing property – and a key component of this process was to not superimpose planning over people that are not participating at this point and were waiting to see if it was successful. Mr. Wardell stated that 37 adopters out of 341 homes was a 10% level of involvement, and any other community in the County with that level would be significant. He noted that the percentage of the population in this community was higher than the general population as a whole, so any inference that they were only working with a tiny group was not really true. Mr. Wardell emphasized that they were working with an engaged and enthusiastic group, and there were people who were inventors and initiative-makers and others who waited to see how things would work out.

Ms. Echols stated that the next conversations would revolve around affordable housing, and if they run out of time, they would need to determine how to complete that conversation.

Ms. Mallek asked if she had considered doing questions 3 and 4 first, then going into a separate discussion on question 2. Ms. Echols responded that they could do that if the group agreed.

Mr. Randolph agreed with the approach.

Ms. Nedostup stated that the applicant's proposal is to provide 51% across the jurisdiction but not just within Albemarle County, so they were stating in their code of development that with future rezonings they would commit to 43% overall affordable housing, which equates to non-displacement of current residents at the maximum projected density. She said they were also saying they would provide up to 51% in other jurisdictions, but not onsite and not necessarily within Albemarle County, so the question was whether they supported the regional approach.

Ms. Mallek responded that having seen how well the neighborhood at Wickham Pond was prospering, she would definitely support it in Albemarle County.

Mr. Bivins clarified that they were proposing 43% of the property, so they were talking about a net difference that would not necessarily be done on this property.

Ms. Nedostup confirmed this, adding that it could be done on the property but would not have to be – and 43% was the base level. She emphasized that this question was really about future rezonings, and the second submittal involves the whole property being rezoned.

Mr. Bivins commented that this was 16 years out, and because of that he wanted it all on the property and the property should be able to absorb it because the 88 acres was a clean slate.

Ms. Riley agreed, stating that currently the level was 96-98% affordable, so if the intent was no displacement and maintaining the character of the community, they needed to shoot higher than 51% affordable homes and put 43% onsite.

Mr. Keller stated that he agreed with his colleagues, but they had not yet talked about AMI and he was not sure if they were discussing homes that would switch from affordable to market rate. He commented that this was a very complicated question that continued to surface at the Planning Commission level, which was ultimately passed onto the Board, and in the long term they were not increasing their affordable housing numbers.

Ms. Riley said that there was also the issue in the proposal that anyone below 40% AMI would count as 1.5 units, which diminished the number of units fairly dramatically, and that was something that needed to be flagged.

Ms. Echols clarified that the question being asked was whether there should be more affordable housing provided than just to deal with the displacement, and if they could answer that they might be able to pinpoint some numbers – but right now they needed to establish whether this project needed more affordable housing than for just the people who live there now.

The Board and Commission members expressed that they felt it should.

Ms. Riley commented that this was the original principle.

Mr. Gallaway stated that was the original rationale for him to go along with investing the money and staff time into this project.

Mr. Rosensweig stated that he would like to clear up some inaccuracies. He said that there was 43% affordable housing guaranteed onsite, with 51% overall across the area – and not 100% of Southwood residents want to live onsite. He emphasized that they would not force people to stay where they were and instead would offer opportunities to go elsewhere, either in the County or in the City. Mr. Rosensweig stated that if they restricted offsite affordable housing in Albemarle County, their own affordable housing proffer would have made it impossible for developers to develop those homes. He explained that with the 60 or 90-day rule to put something on the market, the developer offboards his requirement to the builder,

who puts it on the market for $243 thousand, which was usually a small unit. Mr. Rosensweig said that five years ago when they did Wickham Pond, the developer and builder were willing to give that up, finding that in today's hot market they paid less for the land because of the proffer but made more money by developing and selling it. He stated that Habitat could not even pay market value in Albemarle County and had been searching for a year for other space – but the County's own proffer policy has made it impossible for them to find it.

Mr. Rosensweig stated that trying to cram all the affordable housing needs into this one neighborhood might conflict with everything else in terms of the space people need to breathe, the parkland, and they would be willing to make a commitment of about 400 units, but that had to transpire over time. He stressed that in Habitat's 27-year history, they have built 220 units of affordable housing and were looking to double that over the next 10-15 years.

Mr. Rosensweig said that if they promised 51% of affordable housing onsite, there would be some complicating factors. He explained that 90% of American housing subsidy went to low income housing tax credits, which were typically multi-family units developed "in a mediocre way," pockets of single income – usually above 50%, which means the vast majority of Southwood residents would not qualify. Mr. Rosensweig said that after 15 years, the tax credit financing ran out and those units went off the market, so 70% of units would go out of affordable housing.

Mr. Rosensweig stated that the most important part was that Southwood residents do not want to live in apartments or multi-family units, and they like having some space. He emphasized that if the County required the arbitrary 51% onsite, it would push Habitat into a low-income tax credit project that would ultimately be multi-family warehouse-type housing that the residents of Southwood did not want – which was an unintended consequence he was certain the Board and Commission did not want. He added that this requirement would make the project either unviable or unrecognizable to the most important people, the residents.

Mr. Randolph stated that the Board signed onto the project with the stipulation of 51% affordable housing, and they secured support out of the budget for $675 thousand to deliver on that. He said that Habitat came back and provided a level of 60-70%, so now to see a figure in the 40-percent range was completely unacceptable to him. He emphasized to Mr. Rosensweig that he knew it was the County's goal, and there had been several meetings where 51% had come up. Mr. Randolph said that he was actually shocked to see the proposition that property elsewhere in the region could be counted – Greene County, the City of Charlottesville – while Albemarle County taxpayers' money was going to this project. He stated that he was confident that Habitat could deliver 51% affordable housing, because while some people would want to leave, others would want to move in. Mr. Randolph emphasized that they were not talking about removing the greenspace, and all that design in Southwood from the last charrette was laudable. He clarified that the Board and Commission were saying they wanted a higher level, and to him the 51% was non-negotiable, with a commitment as a County to affordable housing through other projects. Mr. Randolph said that he wanted the entire Southwood community to remain affordable, while retaining its character.

Ms. Mallek stated that she pulled up the Board's resolution, and the 51% level was not specified there. She said that she recalled the non-displacement creed at that percentage, and if they were going from 400+ units to 700+ units, that created the mixture that was up to 100% because there were additional units on top of those that were already there. She said that she understood that they were signing off on the concept of non-displacement, which in her mind generated the numbers they had agreed upon. She added that the other important aspect was having Habitat be the lender so the houses did come back and someone wanted to sell them, and did not go out and become market rate homes – which to her was the major failure of their current housing policy.

Ms. Echols stated that she was hearing a few different opinions from them and wanted to get other Board members to weigh in, as this reflected the initial expectation the Board had when they went into the partnership. She said that she thought she had heard an expectation for more than displacement, and she was hearing from Ms. Mallek that she was not sure this was the case. Ms. Echols mentioned that she

was not present for the discussion and thus did not fully grasp what the Board's expectations were, and she asked them individually to clarify their positions.

Mr. Gallaway stated that the Board member from that district – Mr. Randolph – was the trusted liaison until the item came back to the Board. He said that he understood the non-displacement and felt it was an admirable goal, but he never expected that to be 100%, and he felt that it was different than the number of houses counted as affordable. He stated that his expectation was that the number of affordable units was going to grow, but what that grows by was not discussed before. Mr. Gallaway stated that at the time he was very enthusiastic about having the residents involved, but there was a significant investment from the County and if they didn't see an increase in affordable housing stock he did not understand why they invested in the project as a public entity.

Mr. Rosensweig responded that they would see an increase in stock, the question was whether it had to happen onsite or if it could happen somewhere else in the County.

Mr. Gallaway emphasized that he signed onto this project for onsite affordable housing, and it was presented to him that the units would increase onsite, maintaining what they had. He commented that they had two-on-two meetings in addition to full Board meetings about this, and he recalled that this was presented as an opportunity for an amount of affordable stock onsite – with a project that would not displace current residents and would increase the number of affordable units. Mr. Gallaway emphasized that this was not discussed in the context of having affordable units somewhere else in the County or even out of the County, and this was the first he had heard of it.

Ms. Mallek said that it was a question being asked, so they should not be mad that they were being asked.

Mr. Gallaway responded that he was not mad but when it came to investing money, with this $675 thousand being done outside of the process and out of the context of other priorities, there was criticism from people for taking that kind of approach. He stated that they needed to be clear that they wanted to address affordable housing, and this money was to help them accomplish that.

Ms. McKeel stated that she agreed with Mr. Gallaway, but she did not remember anything magic about 51%, with the overall goal of increasing affordable housing. She added that she could support other locations in Albemarle County but not outside of that, and a selling point for this project was that the affordable housing would stay affordable.

Ms. Mallek said that her goals for the project were: non-displacement and affordable housing for the current residents; increasing the number of affordable units onsite; and not losing the affordable housing that was there. She stated that she did not recall 51% having any significance other than its relation to some formula for HUD funding – but it was the applicant's issue if they chose not to use that funding.

Ms. Palmer stated that she agreed with Mr. Gallaway and was also concerned about the percent AMI they were getting and did not see anything about that.

Mr. Randolph said that he had his notes from a March 15, 2018 Southwood community meeting, and they had talked about 51% affordable housing in phase one. He stated that his notes from a March 1, 2018 report showed that "A CDBG-funded project must show at least 51% of the beneficiaries as low to moderate income by federal statute. DHCD has no flexibility with this federal mandate. A CDBG-funded project is typically the activity related to one specific application." He said that this was a reason why the 51% was built in as an expectation to maximize the possibility of having federal dollars.

Ms. McKeel stated that it was not part of the Board's broader discussion.

Mr. Randolph confirmed this, adding that the discussion with Habitat included repeated references to the 51%.

Ms. Mallek asked if Ron White had any comments on this.

Mr. Dill stated that he was more in favor of flexibility, as this project was long term and had another 15-20 years ahead of it and they could not stay rigid to what was agreed on three years ago. He said he was okay with it not being onsite, but it needed to be in Albemarle County unless there was some deal with Greene County or the City of Charlottesville. Mr. Dill said that while $675,000 was a significant contribution, but in the world of building it was about 1.5 houses, and they should try to leverage it as much as possible. He stated that he also agreed that the housing should stay affordable for the long term.

Mr. Ron White, Chief of Housing, stated that he heard three different things being discussed: rezoning, which said nothing about 51%; a contribution by the County and Habitat with expectations that may not yet be completely clear; and CDBG potential, which would be considered on a project-by-project basis. He explained that the housing office just put in an application on Habitat's behalf for $2.25 million, and they were offered the opportunity to submit an application for a structured small village of 15 houses that would more than meet the 15% – with 100% of those units to be affordable. Mr. White emphasized that the CDBG would be dependent on what the specific project was, not the overall development. He said that he felt they should deal with contributions in a clear enough way that they knew what they were getting from that contribution up front, whether it be performance agreements, contributions, etc., and that seemed to be where the questions arose on the number or percentage of units.

Ms. Mallek stated that she thought the 1.5 units for people below 40% AMI made tremendous sense because of the inability of those families to contribute more to their rent, so they essentially need more support.

Mr. White responded that this aligned with the 2015 comprehensive plan, in which there was consideration of a weighted scale for giving credit for affordable units. He stated that from his point of view, the weighted scale and non-displacement were huge compensating factors for considering what they wanted to require as a level of affordable housing for the rezoning versus requirements for monetary contributions, staff time contributions, CDBG, etc.

Ms. Echols stated that her understanding was that most Board members expected additional affordable units to be provided in Albemarle County – and it would be preferential to have them onsite but there could be some flexibility.

Board members agreed that they could accept that.

Ms. Echols said that she felt they had gotten somewhere with this discussion and asked Mr. Rosensweig felt that he had received some direction.

Ms. Mallek asked if question 4 required a lot of extra presentation. Ms. Echols responded that they needed the questions from the other session first.

Mr. Kamptner stated that the 43% was tied to the non-displacement theory, and if the applicant was going to proceed with the bonus factor for AMIs that were around 40%, he wanted to know how that would interplay with the non-displacement. He said that if they did 100 units at 40 AMI or less and got a 1.5 credit, that was 200 units.

Mr. Rosensweig responded that the intent was for non-displacement and support for people who wanted to live elsewhere, and that number would ultimately be increased. He stated that the additional bonus was requested by Mark Graham and Mr. Kamptner, and they included it because this was a pilot project for the County. Mr. Rosensweig emphasized that they were committed to supporting people, and this was something that could help create a policy for the County that would have broader applicability.

Ms. Riley agreed that it was a policy question and for this particular set of commitments, people should run the numbers – which were greatly different in terms of AMI data, as 35.7% of residents were below the 30% level, and even just taking 20 of the 43 would mean 55% of the units. She stated that this was a

policy question but had implications in terms of how many units would ultimately be built. Ms. Riley added that these would far more likely be rental units than ownership units, and it was a far more complicated affordable housing discussion that lacked policy dictating direction.

Ms. Mallek commented that this was what made the discussion at this meeting so challenging.

Mr. Kamptner stated that the Board's resolution of October 5, 2016 envisioned non-displacement, which had been Habitat's pledge, resulting in approximately 400 new affordable housing units – which was close to the 51%. He said that the other factor coming into play was the current affordable housing policy, which were not intended to be exclusively affordable housing and instead should be mixed-income housing types incorporated into the development. Mr. Kamptner stated that they were usually looking at it as a market-rate development.

Ms. Mallek said that she understood that for Block A but would be very reluctant to insist that the existing neighborhood had to give over some of their property to another type.

Mr. Keller stated that the Supervisors may want to consider actual numbers versus percentages, as the number may be lower because of the lower AMI.

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Agenda Item No. 3. Planning Commission Adjourn to Regular Scheduled Planning Commission Meeting at 6:00 p.m. in Lane Auditorium.

At 5:01 p.m., Mr. Keller adjourned the Planning Commission meeting to its regular scheduled meeting in the Lane Auditorium at 6:00 p.m.

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Regular Meeting of the Albemarle County Planning Commission – August 7, 2018

The Albemarle County Planning Commission reconvened from the joint work session with the Board of Supervisors to their regular public hearing on Tuesday, August 7, 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; Julian Bivins, Pam Riley, Vice-Chair; Daphne Spain, and Bruce Dotson. Absent was Karen Firehock, Jennie More and Bill Palmer, UVA representative.

Other officials present were Margaret Maliszewski, Chief of Planning; Heather McMahon, Senior Planner; Chip Boyles, Executive Director of Thomas Jefferson Planning District Commission; Megan Nedostup, Principal Planner; Elaine Echols, Chief of Planning; Bill Fritz, Manager of Special Projects; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:02 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, the meeting would move to the next item.

Presentation.

Housing Update
(Chip Boyles)

Chip Boyles, Director for the Thomas Jefferson Planning District Commission (TJPDC), said it is very timely; we were talking earlier today about some funding mechanisms that may be able to help us within the Charlottesville-Albemarle region with some affordable housing. He said so it worked out really nicely to be able come here and update you as to what the Planning District Commission is doing working within the community about not just affordable housing but all housing and how we have been partnering with Albemarle County to do that. Mr. Boyles said that he tried to put together a slide show of just walking through some of the history of what we have been doing, where we are today and if there were any questions during the slide presentation, he would be glad to try to answer those.

Mr. Boyles said back in September of 2017, the TJPDC Commission during some strategic planning sessions identified regional housing as a priority for the Commission. Then with their approval and with some budgeting in February we were able to hire a full time regional housing coordinator who we have contracted out as also the Thomas Jefferson Community Land Trust first Executive Director. Therefore, she spends part of her time working for the Community Land Trust and the rest as the Regional Housing Coordinator for the PDC. In April a three-day period including the 13th and 14th, we partnered with the Urban Land Institute (ULI) as well as the Tom Tom Festival to hold a seven-session affordable housing summit. In addition, on Saturday we had a regional action forum, which was kind of a strategic planning session where we were trying to identify just a very limited number of action items that we could walk away from those seven sessions and try to accomplish. The two items that were prioritized was for the PDC to work on developing a regional housing partnership.

Mr. Boyles said all of you were instrumental in working with the PDC, MPO and the City of Charlottesville in creating a Regional Transit Partnership and that has been very successful for us and it was recommended at this housing summit that a Regional Housing Partnership acting as an advisory group would be just as beneficial towards the housing initiatives. He said the other thing was have the PDC to work towards obtaining funding to create a Regional Housing Plan and at that time the City of Charlottesville was in the middle of having an affordable housing needs analysis completed just for the City of Charlottesville and it was identified that the same type of analysis needs to be done for the entire region. He said those were the two action items that we came away from in April. Since that time, a framework to create that regional housing partnership has been drafted and stakeholders have reviewed it and for us we are including the stakeholders, multi-jurisdictional elected officials and staff, private developers, builders, bankers and other types of financers and the residents of affordable housing homes. He said that framework has been developed and we anticipate that it will be going to our Planning District Commission for approval in September, possibly October if there were any other revisions that need to occur but we do expect to have that framework before our Commission in September.

Mr. Boyles said additionally we have identified $50,000 of funding to go towards the Regional Housing Development Authority for an additional $100,000 for a $150,000 total project. He said this is a much larger scale housing analysis than the City of Charlottesville did because we wanted to include quite a bit of community engagement at the Planning Commission, elected official and resident level in all of our jurisdictions. However, we also wanted to walk away from our needs analysis with at least two or three priority strategies that each of the local governments would be able to begin to implement at the end of the report after the deliverables are approved. He said the other thing that would be produced it not quite so important for Albemarle County, but it certainly is for some of our more rural counties, that there is a state requirement that you have an affordable housing chapter in your comprehensive plans. He said as much as he hates to say it not all counties in the Commonwealth have that affordable housing chapter. He said the grant that we are going after one of the important priorities of that funding is that we are able to use our experience with our regional plan, create a template that if a local county or local jurisdiction can develop the housing data they would then have a template and a model to use to put that data into that model to be massaged to fit their county and then use that as a very easy way to get them up to the State standards of having an affordable housing chapter within their Comprehensive Plans. He said that Albemarle County's is up-to-date, but not all counties are there.

Mr. Boyles said we would cover our jurisdictions, as you know is the City of Charlottesville, Albemarle,

Fluvanna, Greene, Louisa and Nelson counties and we've begun discussions with including Augusta county since given the traffic patterns between Augusta county, Charlottesville and Albemarle they have a lot of housing units that are full of workers within our region and it goes vice-versa. He said so we are looking at including Augusta County in this plan as well. He said some of the items that will be included in this plan is community assessments, review of all the Comprehensive Plans within the jurisdictions that we cover, stakeholder and focus group interviews and again this was one of the items that we added. He said the City of Charlottesville was strictly at this point just a needs analysis, strictly data generated, and we thought if we are doing that we want to keep the public and the decision makers in each of the jurisdictions involved and updated throughout the process. He said we would include a number of stakeholder and focus groups throughout the process, community meetings and then one large regional community meeting. He said the data that would be gathered would include the basics of population, household trends, population characteristics, commuting patterns, affordability and certainly the geographic patterns of housing within the region.

Mr. Boyles said it would include a market analysis that is supply and demand for both rental housing and ownership housing. He said you will notice throughout this that we use the term housing and not just affordable housing since we want to make sure that if there is a market to create more market type housing that will help the supply of affordable housing. He said we want to make sure that is addressed and we do not want to look at just the affordable housing market. He said that within the affordability gap data we would be looking at rental housing, homelessness, ownership as well as the housing gap conclusions. As part of the process we will be including impediments to fair and affordable housing just trying to identify what types of barriers such as development costs, limited financial resources, land use, zoning and also discrimination as to possible obstacles that prevent the affordability of housing. From that, we will development a priority of strategies by the locality and we anticipate more of the rural counties the strategies will be very similar and more urban environments will have similar strategies different from the rural. He said Albemarle itself will be treated in two ways – the rural area will be treated more like the rural counties and then your urban environments will be treated a little bit more like the City of Charlottesville. He said we would finish up with presentations to both the planning commissions and each jurisdiction and the elected bodies. He said the time frame for this is we hope to have a notice to proceed to a consulting firm that will be doing the lion share of the data gathering and our office will be doing most of the community engagement throughout the process. He said in September we anticipate the creation of the Regional Housing Partnership and then the actual work will begin in September and run through February where the draft report and the final community meetings will be held so that the final deliverable will be sometime around April of next year.

Mr. Boyles said we published a request for proposals in May of this year and received three proposals back; a committee reviewed those and made a recommendation to contract with Partners for Economic Solutions, a Washington, DC firm that just completed the City of Charlottesville Housing Analysis. He said we were able to get a very good proposal based on the amount of data they have already gathered for the region since you cannot look at the Charlottesville housing needs without looking at the housing data from all around it. He said a lot of the work has already been done and we were able to obtain a very favorable cost from them because of that. He said that in Albemarle we would be looking at both the rural and the urban in a very different way almost as if it were two different jurisdictions even though we will be working with it as one just to make sure we are considering the urban environment quite differently than the rest of the county. Mr. Boyles said he would be glad to answer questions.

Mr. Keller invited questions for Mr. Boyles.

Ms. Spain asked what the tasks of the new housing coordinator are and will they take they lead on all the projects you are describing here or does this person actually match up housing units with people who need them.

Mr. Boyles replied that our role is not to really being any type of a housing developer or provide a housing service and it is more of matching up affordable housing developers trying to work with Habitat, AHIP, Piedmont Housing Alliance in keeping groups organized and communication flowing. He said it was very similar to today's opportunity zone meeting and our current housing director is out on temporary leave

and she would be responsible for organizing and bringing these groups together to share information. He said we are not in the business for the actual housing activities and she will be charged with managing this project and will manage the contract with the consultant and the community engagement meetings, but that is it.

Ms. Riley said in terms of some of the strategy recommendations that might come out of this for specific jurisdictions she has two questions. She said one is are they going to be looking at if there is a strategy suggested what are the resources that are necessary to carry that out or what is the capacity of the jurisdiction to be able to implement it. She asked would they be looking at any overarching strategies that would be regional and again with recommendations about how that might be implemented.

Mr. Boyles replied that they would be looking at all of it, but looking at the regional type strategies may be a little more difficult and each jurisdiction has its different goals as well as resources. He said to try to find an overarching strategy he would like to think that it could be done, but he was certain that it would be quite difficult to find that. He said their charge would be to look at everything as long as, in my direction, it has to stuff that is doable. He said to have a vision or strategy that we know up front we would not have the resources to do or the political will to do is to initially to look for that low hanging fruit – what are things we can implement as quickly as possible and see some type of positive results. He said that is why we have tried to limit each of the jurisdictions to maybe just two or three strategies. He said that if we can get those moving the Regional Housing Partnership is being created not just for this project but with the hopes, it will be around until we no longer have an affordable housing need, which will be a long time. He said we hope that the Regional Housing Partnership over time will look for more strategies to try to implement but initially we really want to make an impact as quickly as possible.

Mr. Dotson said he was just assuming that there is going to be a huge affordable housing gap, but somehow people are making it today and are living some place; they may be living two counties away, commuting in, and they maybe doubling up. He said they are finding ways to somehow survive, which leads me to say the usual sort of census data analysis is very useful, but maybe some case studies that look at somebody who is in a given wage bracket and how they are doing it. He said they might have two households under one roof and wondered exactly what is going on. He said that looking at some case studies particularly for emphasizing practical ways to achieve things might open up some thinking in directions that we do not normally have.

Mr. Boyles replied that is a great idea and actually is the strategy we used to sell this idea to our Commission. He said we used just a generic case study and took the average teacher's salary from the City of Charlottesville and put that into a scenario given the known average rental rates within the City to show the average teacher making the average salary would have to spend over 30% of their monthly income, which is a non-affordable housing situation. He said that is about as far as we took it and thinks that running that even further that if that person was living in Greene then what are those transportation costs, what are the environmental costs to have them come in and that gap then is money that is not being spent in the communities on other things. He said that they would look at scenarios.

Mr. Dotson said an idea that came from their 3 o'clock meeting on Southwood was is there some way to identify champions like Habitat to lead the charge. He asked if there was a way to look at different champions, not just Habitat, and if there are other ways that you could identify potential champions.

Mr. Boyles replied that we have had a group of executive stakeholders that include Dan and another move to this group to this area is Sunshine Mathon who is the Director of the Piedmont Housing Alliance from Austin. He said it is people like them and many others who have been part of our stakeholder groups that have us this far and so we are building more and more. He said the other thing is that while the obvious champions within the affordable housing arena are also some others that we have been identifying with the credit union and the private sector being part of the discussions that there are some equal champions there he thinks that we can certainly take advantage of their commitment and expertise. He said this regional housing partnership would be a large stakeholder group that we will be working together with and hope we will do very good at managing according to the issue and find that committed person that we can utilize in the best way we can. He said it was very important for us that it is a cross

section since he did not believe we can solve the problems by just depending upon the affordable housing developers since we have to look at the market rate housing developers, the bankers, the builders, the designer, everybody.

Mr. Dotson said in economic development that most new job creation comes from existing businesses and that you should spend a significant effort on retention of existing businesses. He said taking that idea and applying it to housing we should be spending a lot of effort on retaining existing affordable housing and would hope that the study would do that and look at rehab needs and not just new construction needs but how so we retain the stock that we have now.

Mr. Boyles replied that he thinks that will part of those strategies. He said we are currently doing a small area plan for the Cherry Avenue – Fifeville area of the City of Charlottesville and one of the conflicting goals of the community is more affordable housing but we want to maintain the single-family type of housing that made the community what it is. He said that is a balancing act, but being aware that maybe there are solutions that we can do both by fixing up. Mr. Boyles said he had just left a meeting talking about accessory dwelling units and how we can overcome the obstacles within our local governments to provide more opportunities for that, which don't take away from the single-family housing but it does create new units. He said so looking at things like that is certainly on the table.

Mr. Dotson said a last point that is hard to define is the he knows that the School Division is interested in looking at student generation rates as neighborhoods change over time because there are some dramatic results that are taking place and that has not really been examined. He said it strikes me that this group should also be interested in looking at neighborhoods over time as they change and maybe there is some interaction that would be useful with the County School Division.

Mr. Boyles replied certainly, that is a great idea that we have not talked about at all.

Ms. Spain said when she thinks of TJPDC as the MPO the primary mission is transportation coordination and that adding the housing is an expansion of that mission.

Mr. Boyles replied not really, since we are kind of a complicated group. He said the Thomas Jefferson Planning District is the legal entity and regional government. He said we house the MPO so it is as if the MPO was a department of the Planning District Commission. He said why it stands out a lot is one item is transportation has been a hot issue in this region for a while and so we normally hear MPO more than the Planning District Commission. He said the other thing is we have a dedicated funding source from the federal and state government that pays for our MPO activities and so you tend to hear a lot about the MPO but the mother organization is the Planning District Commission and our mission is housing, environment, community and economic development planning to include transportation. He said although we do a lot of transportation planning, we are not primarily a transportation planning agency.

Ms. Spain said the housing has been there as an interest but now you are saying there is more emphasis on it and she was asking because she did not want the nexus between transportation and housing to get lost with housing siloed off in one section and transportation in another. She asked if he was saying that the umbrella is there with the Commission and that will not happen.

Ms. Boyles replied that you would be very happy to see that we just went through in four years our second strategic planning exercise with our Commission and stakeholders. He said it was very unique this year the emphasis that we were given from our Commission and we are drafting up the final copy of that strategic plan. He said it said all of our emphasis should be to coordination of all of the things you just spoke about and you cannot talk about housing without talking about jobs. He said you could not talk about either of those without talking about transportation and within jobs you talking about both economic development planning and workforce planning as well with education. He said the Commission said it was our role to try to bring all of those items together every time anything is considered because like a three-legged stool you have to have them all there for it to work. He said that has been quite different from our strategic plan before, but that was the priority of our Commission this summer was to say when we do something all of those have to be considered.

Mr. Keller said since we are just coming off a joint meeting with the Board of Supervisors - will you be presenting the final report of the housing study to each of the board of supervisors, planning commission and EDA as well, and Mr. Boyle replied yes, we have built in that we will present to every planning commission of each jurisdiction.

Mr. Keller said that might be one where we could suggest a three part because the EDA is also involved in that and asked Elaine to think about passing that on to Andrew because we all found this afternoon quite rewarding. He said that might be a way to continue this discussion and again all housing in what we see from the city study that all housing is quite important in the ramifications of that on the market place and therefore affordable housing.

Mr. Boyles replied yes, very much so and at any time we can have one meeting instead of three and you will not get an argument from us.

Mr. Keller asked would those slide presentations be on your website and is that going to be the logical place for us to share.

Mr. Boyles responded that all three of those would be on our website and we videoed the meeting today, which will also be available on our website. He pointed out we will be pushing out through our newsletter and Facebook face the lengths to those presentations and will have all of those available including the articles referenced.

Mr. Keller thanked Mr. Boyles for coming.

Ms. Riley said she just wanted to press on the issue of identifying the existing affordable housing in this study because it seems like it is something that can be identified in general. She said often the existing affordable housing is lost in the shuffle, there is a lot more emphasis on new development, and she thinks a lot of us are wondering from an efficiency standpoint wouldn't we be better just preserving for a longer time. She said for example those low-income tax credits, can we restructure those deals and extend those terms of affordability in existing single-family housing and is there a way to recapture those units before they go to the market. She asked will there be information in this study that really identifies the existing housing both in terms of ownership and rental, and then are there going to be specific strategies and/or sort of any ability to address cost benefit of preserving existing versus new.

Mr. Boyles replied sure, the later part of that he would be afraid to try to answer now because some of this as we get the consultant on board we will be massaging the scope as we go. He said some things would be identified while we are developing the deliverables that we did not think of up front so a lot of stuff will happen there. He said that because of resources, we will not be able to go into detail of strategies and my understanding in a city like the City of Charlottesville the strategic part of the housing plan will cost everything we are spending on the regional plan. He said you are in the hundreds of thousands of dollars there and so that is why we definitely want to have some strategies but we want to pick the most clear achievable ones and it may only be 2 or 3 strategies per jurisdictions. He said it could be during this process if we are able to identify a way to expand that and can find the resources to do it, we will amend the contract to add that. Mr. Boyles said he was not sure of how much detail we will get into with the actual strategies; we are just trying to make sure we have some of the highest priority ones identified.

Mr. Keller thanked Mr. Boyles.

The meeting moved to the next item.

Public Hearing Item.

SP-2018-00005 Amendment to Malloy Ford Body Shop
MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068A0 and 045000000068C1
LOCATION: 2060 and 2070 Seminole Trail
PROPOSAL: Expand previously approved body shop use on TMP 45-68C1 with new body shop within the existing building on the 2.06-acre parcel 45-68A
PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance, which allows body shops by special use permit. No dwelling units proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. AIA Airport Impact Area: Yes
COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.
(Heather McMahon)

Heather McMahon summarized the staff report in a PowerPoint presentation.

- This is a request to amend SP-2016-18, which was approved in 2016 for a body shop use at the Malloy Ford property on Route 29North. The vicinity map highlights the subject property that includes two parcel, both properties are owned by Malloy Properties, III LLC and combined they encompass 7.03 acres.
- The southern parcel addressed 2060 Seminole Trail is occupied by the showroom of the former Better Living Furniture Store, which is now vacant. The northern parcel 2070 Seminole Trail was formerly the Better Living building supply store and it is currently being converted into an auto dealership and automotive repair facility for Malloy Ford. Both parcels are zoned Highway Commercial. Commercial uses predominate in this area along Route 29 and the body shop use is considered accessory to motor vehicle sales.
- Motor vehicle sales is a commercial use permitted by right within the Highway Commercial zoning district and the body shop use is similar in character to vehicle sale centers at nearby auto dealerships including the Jim Price, the Umansky and Colonial as well as Brown's Collision Center.

Ms. McMahon said that consequently the proposed use is expected to be in harmony with the other by right uses in the district.

- The next slide is the applicant's concept plan; the previously approved body shop use is labelled body shop #1 at the top left of the concept plan. This request is to expand that use with a new 9,120 square foot body shop that would be located within the rear portion of the existing building at the southern parcel that is labelled body shop #2 on the concept plan.
- The approval for body shop #1 would be retained giving the applicant the flexibility to use either space for body shop use.
- Body shop #2 would be located in the rear warehouse addition of the existing building which would also leave the showroom space as it is and available as future tenant space. The warehouse would be renovated to accommodate the use.
- The noise and emission consequent of body shop work will be contained within the building.
- All repair and storage will be confined to the indoors so the use will not create a negative visual impact on the Entrance Corridor or neighboring parcels.
- Prior to issuing a zoning clearance for the use the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges or impacts from paint booths or flammable, hazardous or explosive materials are sufficiently mitigated. This is to ensure that the use will not impose any substantial detriment to adjacent property.

Ms. McMahon said the only renovation to the exterior of the warehouse would be an alteration to the doors on the north elevation. She said there is no vehicular storage or display of vehicles proposed at body shop #2 in the outdoors. She said the applicant's proposal indicated that no changes are proposed to the previously approved parking configuration travel ways, storage and display or the number of service bays and that the sole change was to allow a second body shop location.

Ms. McMahon noted after the staff report was prepared the applicant verbally asked that the proposed limit to five body shop stalls be eliminated from the recommended special use permit conditions. She said the number of stalls has an impact on parking since two parking spaces are required per service stall so any increase in the number of stalls in the future would need to be accommodated in a site plan amendment. She said it was not the intent of the original approval of the special use permit to limit the number of stalls and because the impact of any increase would be addressed in a future site plan amendment, staff is not opposed to the elimination of that second condition.

The factors favorable found:
1. The request is consistent with the Comprehensive Plan.
2. A portion of an existing building would be renovated to accommodate the use.

No unfavorable factors were found.

Staff recommends approval of **SP-2018-00005 Amendment to Malloy Ford Body Shop** with condition #1 as listed in the staff report. Ms. Mahon said staff is not opposed to eliminating the second condition limiting the number of service bays and that condition as shown has been struck through.

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 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 reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. 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. ~~The total number of service bays for Body Shop #1 and Body Shop #2 combined shall not exceed five (5).~~

Mr. Keller invited questions for staff.

Mr. Bivins said that he wanted a clarification of one of the attachments - Attachment C that says it is an existing access easement and that does not have anything paved on it and asked if that is correct. He asked is there a rear entrance to this property.

Ms. McMahon replied no, there is not a rear entrance and thinks that is to the adjacent parcel that Malloy Properties also owns to the south.

Mr. Bivins asked if there is a Berkmar Drive entrance to the property, and Ms. McMahon replied no.

Hearing no further questions, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Valerie Long, with the law firm of Williams Mullen representing the applicant, said joining me is Justin Shimp, with Shimp Engineering who is the project civil engineer. She said to clarify Mr. Bivins' question the access that you saw on one of the pages of the concept plan is actually an access easement to provide access to a small drop inlet or a stormwater facility. She said because it was far in the back there is a deeded access easement if VDOT ever needed to come in and maintain that in the future and there is no access from Berkmar Drive. Ms. Long said she has a presentation and some slides and photographs; Ms. McMahon's slides were very similar and she would be happy to go ahead and answer any questions since she does not have anything further to clarify although she would be happy to do so if anyone would like me to. She said in the interest of not wasting anyone's time maybe she will take a seat and if there were any comments from the public or any questions she would be happy to do that.

Mr. Keller invited public comment. Hearing none, he asked Ms. Long to come back to the podium to see if there are any questions from Commissioners.

Mr. Dotson commented that he attended the community meeting on this application and there was no community opposition, they were interested in gaining information about it. He said they had been familiar with it because of the earlier approval and the questions that they had tended to be more about county and state regulations of oil and waste disposal from body shops and garages in general, but no specific concerns with this proposal.

Mr. Keller invited further applicant wrap up.

Ms. Long replied that she had no wrap up.

Mr. Bivins said in the front part of the body shop #2 is that proposed to be part of the new dealership too because he read something that it was an additional showroom and then read something that said it was going to be leased out.

Ms. Long replied that it is possible that Mr. Malloy has made some decisions on this since she last spoke with him specifically; however, he gets proposals every once in a while from potential tenants and brokers but she knows of no plans for a dealership there. She pointed out that Mr. Malloy owns other dealerships in the state so it is possible that he will decide to use that as another dealership in the future, but my understanding is that it will not be part of the Ford dealership but that could have changed.

Mr. Keller asked if you have sense of each of the dealerships coming down Route 29 whether there is that rear access on Berkmar because there has been discussions about that road that may or may not happen further up.

Ms. McMahon replied no.

Mr. Keller noted that the reason he brings that up is because the movement along 29North and the alternative flow at some point off Berkmar. He said it would not be a determiner in this for me but just in that longer range planning he thinks you may have been involved in presenting some of those other dealerships who are doing some kind of creative things. He said it was just a follow-up of whether there could be a benefit to that access.

Mr. Bivins pointed out that Colonial is moving the Volvo dealer down and the entrance to the Volvo dealership will be off Berkmar. He noted that is what prompted my question are we going to start seeing the new motor mile not being on 29 but being Berkmar, which would be okay but he did not believe that Berkmar was designed to be the new motor mile.

Mr. Keller said the Better Living office is going to be off Berkmar but is Better Living warehouse going to be off 29.

Mr. Bivins responded that it was going to be off Berkmar and that having this interesting set of movement to certain activities that Berkmar Drive is taking on this new level of traffic.

Ms. Long said to address that we did work with the owners of Colonial Auto, Carter's Meyers Automotive, when they were working on the zoning for the property that is where they will move the Volvo dealership. She said part of that is they have owned that for a long time and they really wanted to use it and so we helped them be able to get access through to that site. She said that during the construction of the grade-separated interchange they had better circulation patterns for their vehicles. She said they just always knew they are leasing the land where the current Volvo dealership is so they always knew that one day they really needed to find another property so they were able to acquire that land right behind them and it makes for some efficiencies and so forth. Ms. Long noted there is that frontage on Berkmar but thinks that was more just coincidence that the property was there, and again the Malloy Ford dealership is not proposing any connection. To help answer your question, Ms. Long pointed out where the Ford dealership will go and near the back of this building is where the second body shop would go.

She pointed out the new Better Living facility but it does not go all the way to the back and this little piece is now part of the Malloy properties so Better Living does not extend all the way to 29.

Ms. Echols asked to add that on that same map if you look at the property just to the south that 2060 Seminole Trail was owned at one time by the people who owned Better Living, but she does not know if they still own it. She said but between that property and the Schwell's property there is a right-of-way, the grade is steep but we have preserved an opportunity for that right-of-way to be used for a potential extension to Berkmar Drive sometime in the future. She said if you look there are 2 parcels if you go north and west along that property line and those 2 parcels that make square right in there at the Berkmar Business Park and that was rezoned 2 or 3 years ago for more of an office park type of development. Ms. Echols said there probably will be an emerging face on Berkmar that is rather mixed but we have been leaving open opportunities for connections to be made in the future at which time they make sense. She said right now they don't because some of the sight distance issues used because some of the topography issues and the little service road that was built in conjunction with the Better Living project, but we are looking towards that and my successors are aware of this and will be looking towards that.

Mr. Dotson said he hates to lose that institutional memory.

Mr. Keller asked Ms. Long if she had anything else, and Ms. Long replied no.

Mr. Keller closed the public hearing to bring the request back to the Planning Commission for discussion and action.

Mr. Dotson moved to recommend approval of SP-2018-00005 Amendment to Malloy Ford Body Shop with condition #1 as outlined in the staff report.

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 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 reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. 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.

Mr. Bivins seconded the motion.

The motion was approved by a vote of 5:0. (Firehock, More absent)

Mr. Keller said that SP-2018-00005 Amendment to Malloy Ford Body Shop would move on to the Board of Supervisors with a recommendation for approval.

The meeting moved to the next agenda item.

Public Hearing

ZTA-2017-00006 Section 33-Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions

The Planning Commission will hold a public hearing to receive comments on its intention to recommend adoption of an ordinance amending Secs. 18-33.1, Purpose and intent, through Sec. 18-33.9, Special exceptions; relevant factors to be considered conditions, of Chapter 18, Zoning, of the Albemarle County Code. Section 18-33 establishes the procedures and requirements for zoning text amendments (ZTAs), zoning map amendments (ZMAs), special use permits (SPs), and special exceptions (SEs). The proposed ordinance would reorganize Section 18-33 by, among other things, splitting existing sections into multiple sections and organizing those sections into divisions based on the type of application or action, and would revise, clarify and standardize the text. The primary proposed substantive changes would: (1) amend the times by which recommendations and actions must be taken on ZTAs and County-

initiated ZMAs (County Code §§ 18-33.5, 18-33.6, 18-33.11, and 18-33.12); (2) amend the criteria considered by the Director of Planning to not require certain information with applications for ZMAs and SPs (County Code §§ 18-33.15 and 18-33.32); (3) allow applications for ZMAs, SPs, and SEs to be electronically filed (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (4) require notice to be given to open-space and conservation easement holders when complete ZMA, SP, or SE applications affecting the property are filed (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (5) establish procedures and consequences when applications for ZMAs, SPs, and SEs are incomplete (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (6) authorize the Director of Planning to require studies to identify impacts of ZMAs, SPs, and SEs (County Code §§ 18-33.21, 18-33.35, and 18-33.46); (7) incorporate the requirements of Virginia Code § 15.2-2303.4 for proffers related to residential and mixed use residential ZMAs; (8) amend the criteria for determining when a community meeting may be required for a ZMA or SP (County Code §§ 18-33.24 and 18-33.37); (9) establish when an application for an SE must be reviewed by the Planning Commission (County Code § 18-33.48); (10) authorize an SE to be revoked for noncompliance with conditions (County Code § 18-33.50); and (11) amend the procedures and requirements to withdraw an application, to suspend application review and defer action, and to take action after deferral (County Code §§ 18-33.52, 18-33.53, and 18-33.54). The proposed ordinance would also: (1) delete the procedure that allowed any member of the public to apply for a ZTA (current County Code § 18-33.2); and (2) delete the State law reference to judicial review of Board of Supervisors' decision on a ZMA or SP (current County Code § 18-33.4(t)). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Elaine Echols)

Ms. Echols noted that she needed to find the document.

Ms. Spain asked for clarification between a special exception and a special use permit while Elaine is doing that, and Mr. Keller asked that she tell us about what is on the dais.

Ms. Spain said this attractive award went to Elaine Echols for her work and that of the staff on the 2016 Planning Commission annual report. - it was recognized by the Virginia Chapter of the American Planning Association as one of the best over two dozen nominations in this category of citizen planning and so we are very appreciative to Elaine for making this happen and making the Commission look good. Thank you.

Ms. Echols replied that it was very special to receive that award and that we all did this together so thank you all for everything you did, too.

Mr. Keller asked staff to answer Ms. Spain's question first.

Mr. Fritz replied that a special use permit is a legislative action that is permitting a use that is by special use permit in a particular zoning district. He said a special exception in its simplest form, we used to call those waivers or modifications, and it is where you are adopting a different provision or modifying the provisions of a planned development.

Ms. Spain asked have we seen those recently.

Mr. Fritz replied that special exceptions go to the Board of Supervisors.

Ms. Spain said so special exceptions do not come to the Planning Commission.

Ms. Echols replied that special exceptions do come to the Commission when a planned district requires a special exception, it is included with that zoning map amendment (ZMA) and typically, staff has a report with an analysis of the special exception within that ZMA or special use permit (SP) report.

Mr. Fritz pointed out that the Commission also sees special exceptions in instances where staff may not be recommending approval of the special exception and we will bring it to you. He said the Commission saw a special exception on the wireless facility not that long ago about the attachments to the high

voltage power lines that was then taken to the Board of Supervisors. He said that was the simplest way of explaining it.

Elaine Echols said she will not be able to see this amendment through and Bill Fritz and Greg Kamptner, County Attorney, will be carrying it on through. She said this has been a joint effort among at least the three of us, if not more, in trying to modernize Section 33. She pointed out the bulk of the work Greg did, she did the deferrals and Bill has been part of the whole thing. She said if there were questions about the content that Greg or Bill would probably be the ones who jump in. She said we are having the public hearing tonight on this group of changes that really originated from the County Attorney's Office and as you know Section 33 relates to the processes and procedures for special use permits (SP), zoning map amendments (ZMA), special exceptions (SE) and zoning text amendments (ZTA). The proposed changes were the ones outlined in the staff report; the first one was to:

- Reorganize Section 18-33 into multiple sections and adding the things that are pertinent to each section with that section.
- Adding deadlines for action for County initiated ZTA's and ZMA's and applicant initiated ZMA's and SP's.
- Allowing the planning director not to require certain information when that information is not relevant.
- Ability to file electronically.
- Requiring notice to open space and conservation easement holders, which is also very important.
- Adding criteria for completeness that has to do with the fact that we get a lot of applications that are just not complete when turned in. What we have added to this section is some procedures for what do we do when we get those incomplete applications.
- The changes in the proffer legislation have prompted us to need to ask applicants to give us additional information on evaluating the impacts from their development.
- The State Code language related to proffers needed to be added in for a residential mix use ZMA's.
- The consequences for noncompliance with the special exceptions - we do not have anything right now that says your special exception can be revoked if you do not abide by the decision of the Board, and we need that in there.
- Removing the information on the judicial review because that is already in the State Code.
- There needs to be corresponding changes to Section 35 fees because of when we are collecting certain fees and our recommendations to remove the fee for deferrals, remove the ZTA that is citizen initiated. As we said last time it is in the staff report, we are looking at trying to standardize the way of managing a refund for public hearing cost if a project does not go to public hearing within the first 70 days. After we finish this, we can talk about that resolution of intent.

Ms. Echols said tonight we are asking the Commission after you hold the public hearing to discuss this ZTA and tell us if you think any changes are needed. She said if not we would ask that you move for approval of the ZTA to the Board of Supervisors and if it is completed tonight, it would go to the Board of Supervisors on September 12.

Mr. Keller invited questions for staff. Hearing none, he opened the public hearing and invited public comment.

Valerie Long, attorney, said she met earlier with Elaine and Bill on this when they held a work session and was one of two people who attended so she did share many of comments with them. She said the only one that did not get incorporated, but will admit she was on vacation last week so did not get a chance to dig in to all of this as much as she would have liked, is the issue of the requiring that the legal advertising fees be collected at the time of the application. She said that is because right now the way it works is after an application is submitted staff reviews it to confirm that it is complete and roughly 7 days later they will write to let you know it is deemed complete, what your application fee is and then you have 5 to 7 days to get it in. Then the legal advertising fees are usually required prior to the staff placing the legal ad for the Planning Commission hearing and you can either pay the Planning Commission public hearing ad before that and then pay the Board hearing before that is advertised or you can pay them both at the same time.

Ms. Long said she did not know how often applications get withdrawn, but was concerned if the fee is specifically intended to cover the county's expenses associated with the legal advertisements and other notices it is perfectly fine to allocate those to the applicant. She said however, if the applicant has withdrawn the application such that there will not be any legal advertising fees she thinks it is appropriate at a minimum to refund that portion of the fee to the applicant, but personally she would think even easier don't collect it on the front end. She said in advance of the hearing my suggestion was when staff contacts us and says okay your application is complete and send the fee to us by Friday if you want this Planning Commission date of August 7. She noted that we pretty much move heaven and earth to make sure we get that from our clients so we keep the date and our client is usually incentivized. She said staff has shared with me that they have other applicants who are not so good about following up and my suggestion was well if they want to have their application reviewed by the Planning Commission it is perfectly reasonable that you have a deadline to get the fee to them. She said there may be far more other issues involved that lead staff to go the way they have, but she just wanted to share my perspective with you. She said that maybe it is just as easy if you collect at the front end but there is a process in place that the fee is refunded to the applicant within a certain number of days after it is withdrawn. Either way Ms. Echols said she thinks it is important that the fees are refunded if they are not actually incurred for the purpose.

Neil Williamson, with the Free Enterprise Forum, said that he did not attend the meeting that Ms. Long referenced, as he was not notified of it and that being said, there are two issues that he has with these necessary and important changes. He said the first is the removal of deleting the procedure that allowed any member of the public to apply for a ZTA, which he did think there have been that many. He said when this came forward from staff, there was a discussion that this way you have to get somebody on the Board to weigh in and he was concerned about the alternative folks or the folks who do not have Board representation in their particular corner. He asked why are you silencing them and what data is driving this since he did not know how many citizen inspired ZTA's have been filed or why you need to get rid of it. He understands that it might be an issue that you have to discuss that does not have the support of a member of the Board; however, that still might be an issue you should discuss if the community is willing to put down the money to bring forward a zoning text amendment. He said that issue is one of two.

Mr. Williamson said the second issue is something that he is glad Greg is here because he certainly complained about this for about 15 years – the idea that required notice be given to open space and conservation easements when a ZTA is filed. He said when a conservation easement is given there is no public hearing, however, when you put something into an Agricultural/Forestal District there is a public hearing and the public gets a chance to comment. He asked why these property owners get super property rights since they should be notified if they are neighboring parcels just as every other neighboring parcel would be notified. He said the idea that you now have super property rights because you have chosen to give up some of your property rights for an open space easement kind of seems like unfairness to me because they did not have to come forward to get a public hearing to do what they did on their property. He said but you have to notify them of public hearings of other people that want to do things with their property and he asks for a little bit of equity here. Thank you.

Valerie Long said she echoed Neil's comment about both issues but in particular, the zoning text amendment she was remiss in not mentioning that but had shared those comments with staff as well. She said we have successfully obtained approval of two applicant initiated zoning text amendments at significant savings to the County and she would be happy to elaborate further.

Mr. Keller invited further public comment. Hearing none, he closed the public hearing to bring it back for discussion and action. He invited further discussion.

Mr. Kamptner said touching on Neil's two issues the first dealing with allowing applicants to apply for a zoning text amendment that staff took that issue to the Board several months ago and the Board's decision was when this ordinance comes forward to remove that provision, which is more generous than State law. He said State law really does not enable individuals to apply for zoning text amendments and when initiated by the Planning Commission or the Board we have had this kind of clunky process, and he

will let staff elaborate on the process. However, the Board already made that decision so the ordinance that has come to the Commission is consistent with that Board direction on that issue. With respect to the notice being given to easement holders, the easement holders would be not the owner of the fee simple interest but the third party that holds an easement, for example the Virginia Outdoors Foundation so that they get notice of when an owner of property that is under easement has applied for a zoning approval. Mr. Kamptner said he would let staff address Valerie's comment regarding the fees. He noted that the current and the proposed ordinance both provide that the fees are to be collected when the application is deemed to be complete and he thinks the practice has been to separate the advertising fees to request those later.

Ms. Echols responded that is right and thinks that was in an effort to better manage when a project came to the Planning Commission it did not work out as well as we had hoped it would work out. She said that because of the number of people who are not like Ms. Long's clients who will fail to follow through on something for whatever reason and then we are left holding an application with no idea what to do with it. She said that is part of the reason that we have put an ending on it and at the very beginning we want to be able to within that 90 days get an application to you for an action. She said we hope that will be an incentive for an applicant who decides they really do not want a recommendation for disapproval to either ask for a deferral or withdrawal.

Mr. Kamptner said the fees resolution of intent when the amendments take place they will provide for the refunds and Ms. Echols said that is what is in the proposal right now to provide for those refunds.

Mr. Fritz clarified that the fees are not part of the ZTA that is before you tonight and they will be coming to you later.

Mr. Keller invited questions for staff.

Ms. Spain said on page 29 of Attachment B she made a note where it says 33.20.d mailed notice that a complete application has been filed and is this email or snail mail. When she looked for the same section in Attachment C, she did not find it so where is that in Attachment C and does it mean email or snail mail notification that a complete application has been filed.

Ms. Echols responded that it was on page 32 of Attachment C and the County Attorney can tell us if there is a requirement for there to be snail mail since we have typically done an email but we look for an acknowledgement that the email was received.

Mr. Fritz pointed out that he believes all of our applications have an option where an applicant can choose to receive everything by email also.

Mr. Kamptner said he was looking to see where we provide for that in the ordinance and it may be helpful to include that provision. He said generally, if it is a State law requirement it dictates how the notice is to be provided when the County gives notice that is in addition, there is some flexibility in how the notice is provided and we can clarify that in the ordinance.

Ms. Spain said in Attachment C, page 27, 33.1.5.a and b. talks about existing proffers and she was confused about why a. and b. are in this position in the document. She said there does not seem to be prior reference to proffers or where is the proceeding part of that since she did not think they can do proffers anymore.

Mr. Fritz replied that you can do proffers on residential development, on-site proffers in particular, are still easily permitted and commercial development can have proffers as well as industrial development.

Ms. Spain said but the residential being proportionate to the impact of the development.

Mr. Fritz replied that there are on-site and off-site proffers and then there are cash proffers. He said cash proffers and off-site proffers are very difficult if not impossible to accept right now, but on-site proffers

would be that they would increase the stream buffers or that they would do block 1 before they do block 2 and so on.

Ms. Spain asked why it is there.

Mr. Kamptner replied that it is there because when we think of a rezoning we are thinking from rezoning to R1 to Neighborhood Model or something like that but there are two other classes of rezonings. One is when property has already been rezoned and there are proffers and the purpose of the rezoning is simply to amend those existing proffers and what subsection A1 does is lay out the legal requirements for those types of applications in who can apply. He said, "for years around the state there was an assumption that if I am in, for example Hollymead Center and own parcel 1 everybody in Hollymead Town Center has to consent to amendments to those proffers and that is not the law - the law is that if I own parcel 1, I can apply to amend the proffers as they apply just to proffer one." He said subsection A2 deals with a similar issue when we are dealing with property that is already part of a Planned Development and it is the same issue who can apply under what circumstances. He said that is what A1 and A2 do - they apply to subsets of the typical zoning map amendment.

Mr. Bivins said you would recall in the staff report where they mention sub item 2 and in our work session he had asked if there was a way if a particular individual was not responsive is there a way to keep that from coming to the Planning Commission. He said that at that time he did not realize there is a whole process before that block that if a person is not responsive and if the director has not deemed that the application is complete that they do not get to this point.

Ms. Echols said the applicant may get their first set of comments and not respond so we want to force them into an action and you might get some of those but hopefully not many.

Mr. Fritz said if the applicant requests a withdrawal that we would have a response that we refund part of the fee.

Mr. Riley asked Greg to explain the reason for notification for property holders of conservation easements.

Mr. Kamptner explained that was a request by the Board going back that predates this ordinance and this was the opportunity to include it in a regulation. He said we have a number of processes that are in this ordinance that have been incorporated over the years where we can go beyond the minimum that is required by State law. He said what we have learned is that posted signs are the most valuable way to get information out that there is an pending application and that is not required by State law. He said we have certain procedures where we require that in site plans and plats where notice is given to adjoining property owners and is just something above and beyond what is required by State law.

Mr. Fritz pointed out that this notice he thought was only for the property that is subject to the rezoning. He said if the adjoining property is applying you don't notify VOF unless the easement holder is holding the property owner to the easement that they have and not expanding where the adjacent property owner put their property into a conservation easement and somehow it is bleeding over into the other property.

Mr. Riley said that was good clarification.

Mr. Keller asked if anyone objects to Mr. Williamson commenting. Hearing no one, he asked Mr. Williamson to speak.

Neil Williamson clarified that he was concerned that adjoining property owners if you have a conservation on your property and are applying for a rezoning the easement holder should know about that.

Ms. Riley asked what is new under the procedures for the special exception provision under f. and g. or what is the content of what the Board of Supervisors was requesting be new.

Ms. Echols replied that was the conservation easement because when she looked at that it looked like f. is there but not g. and f. has to do with the conservation easement holder.

Mr. Kamptner replied that he was not sure and it could just be a cut and paste.

Ms. Riley said she wanted to make sure she was not missing something of substance.

Mr. Fritz pointed out that it must be from an old draft.

Ms. Echols said that we believe that it was from a renumbering error and there is no substance to it. She said staff would let you know whether there is any substance to it and how to deal with that.

Mr. Kamptner pointed out that error and the comment has been there for at least six months and so just a cut and paste error.

Mr. Dotson said my question is about zoning text and zoning map amendments and who may initiate those. He said the Exhibit C on page 20 says initiating a zoning text amendment can be by the Board of Supervisors or by the Commission and it says the Commission may initiate a zoning text amendment by adopting either a motion or a resolution. He said it was the same thing on the County initiated zoning map amendment it says either by the Board of Supervisors or by the Planning Commission and he was not sure that it is right that we should be able to directly initiate either of those. He said the Commission could recommend that the Board initiate them, but it creates an awkward situation where the staff has two masters. He said the Board controls the resources, the approval of the work plan for the department, the number of staff members they have to authorize in additional positions and so forth and even though the State law says it is possible for the Commission to initiate a zoning text amendment or a zoning map amendment that he was assuming that could mean the Board of Supervisors would not know about it until after the staff had done the work on it; we had held the hearing on it and then it suddenly appeared.

Mr. Kamptner replied that is possible and for the 21 years that he was advising the Planning Commission and assuming before then the Commission did adopt resolutions of intent to initiate zoning text amendments and the Commission is authorized by State law to do it just by motion. He said the practice here has always been to do it by resolution and the Board of Supervisors probably almost always adopted the major zoning text amendments or the Board at least knew about them. He said that sometimes just the timing was such that it was more efficient to have the Commission adopt the resolution. He said the practice here has been that the Commission does and he knows recently the practice evolved and the Commission would adopt a resolution that recommended that the Board adopt an ROI. Mr. Kamptner said he would recommend that the language in the draft stay as it is because it more closely parallels State law recognizing that the practice the Commission can decide no we are not going to do that we are going to let the Board.

Mr. Fritz pointed out that staff has found that helpful when we have had a zoning text amendment that we have been working on and in the process we discover that another section needs to be amended that was not included in the original zoning text amendment that we are able to come to the Planning Commission quicker than going back to the Board. He said it is consistent with the work so we are fixing the zoning text amendment so that it goes. He said when we have one that is a completely new ball of wax we will go to the Board of Supervisors and say the Planning Commission did this or how do you want us to prioritize it. He said it is an efficient way of doing it to have that at our option.

Ms. Echols noted what Bill said the very last thing is how we make sure that we are not serving two masters is we take your resolution or intent to the Board and ask how do you want to prioritize this. She said that is how we make sure that we have their buy off in how we proceed. She said the ROI for tonight on Section 35 is a perfect example of what Bill was just explaining.

Mr. Dotson said he finds that very confusing that we are adopting an ROI that says now therefore be it resolved that the Board adopt a resolution.

Ms. Echols replied that should be something that should say the Planning Commission.

Mr. Dotson said so staff is not concerned with the two masters' problem and it has been useful in the past and so would set that concern aside. He said the other comment is that by tradition the Commission when we want to recommend that the Board initiate something has used a ROI, which is sort of a misnomer if you think about it since Greg says that the State law would allow either a motion or a ROI. He said a motion it seems to me would be a lot clearer. He said the Commission makes a recommendation that the Board do something or other or that the staff do something or other and using a ROI both for the Commission's action and the Board's he finds confusing for ZMA's and ZTA's.

Mr. Fritz said under the language that says the Commission may initiate a zoning text amendment by adopting either a motion or a resolution of intent.

Mr. Kamptner said when the Commission wants to recommend that the Board adopt a ROI how they do it should be identified differently and it should not be called a resolution of intent. He said it could be by motion or if you want to have a written document to pass on to the Board it could be titled a resolution recommending that the Board adopt a resolution of intent or something like that.

Mr. Dotson replied that he thinks that addresses the question and we have sort of fallen into the ROI vocabulary, which we should not. He said that in Bill's point that it gives us the option and we are going to have a discussion about our bylaws and how we communicate with the Board so maybe that is where we decide how we want to term it either a resolution but not a resolution of intent or a motion.

Mr. Keller said it is an excellent point especially in light of what we have been through with the ROI's and then making that distinction between whatever we end up calling it having a different name than the Supervisors. He said that Greg would be taking John Blair's place in working with staff on how we are going to handle that official relationship that we want between our body and the Supervisors. He said that gives him an opportunity to clean the language up later so we can accept what they have for now and then that can be a modification after the fact. He asked Mr. Kamptner if that was correct if it needed to be and Mr. Kamptner replied yes.

Mr. Bivins said he would find it helpful to have a primer at some point about the new proffer statutes because he had read them and like Commissioner Spain, he had been laboring under the impression that proffers were now forbidden but according to the statute, they are not. He said it appears to be an error that has been carved out that we cannot do any longer and so thinks it would be helpful just as a small item on the agenda to just be brought up to speed.

Mr. Keller suggested that we take that up under new business. He asked if somebody was prepared to make a motion.

Mr. Bivins moved that the Planning Commission recommend approval of ZTA-2017-00006 Section 33-Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions to the Board of Supervisors.

Mr. Dotson seconded the motion.

Mr. Keller invited further discussion.

Mr. Kamptner noted that it is with the understanding that he will dig through this and clarify the written notice provisions.

Mr. Keller asked for a roll call.

The motion was approved by a vote of 5:0. (Firehock, More absent).

Mr. Keller thanked staff for all the work on this and we will look forward to the next round with Mr. Fritz.

The meeting moved to the next agenda item.

Regular Item.

Resolution of Intent Amend Section 35 Fees to correspond with changes to Section 33
Adoption of a resolution of intent to amend the fee schedule for zoning map amendments (ZMA) and special use permits (SP) to include the minimum cost for notification of a public hearing, remove a fee for deferrals, modify circumstances for which a fee reduction for concurrent review of a site plan and ZMA or SP, remove a fee for citizen-initiated zoning text amendments, and others. (Elaine Echols)

Ms. Echols said we referred to this in the Section 33 staff report with a resolution of intent, but this one has to do with making sure we have corresponding changes to Section 33. She said after we make the changes to the ordinance there will be a public hearing and we will bring it back to the Commission for a public hearing. She said there have been some people asking about changing all of the fees and relooking at them and we want everybody to know that is something that Mark has committed to for the following year. She said we are just trying to get at what we need immediately and not trying to increase or decrease but just rather do the even exchange. Regarding the proposed changes Ms. Echols pointed out this is the fee for the citizen-initiated ZTA; we just talked about the notification, the refund and moving the deferral fee reduction. She said there was an existing fee reduction for a site plan if you submit it with a SP or a ZMA, however, we find that has been causing a lot of problems and we thought that now would be a good time to modify that. She said we would only be giving you the fee reduction when you have to have a site plan because of the use and that is outdoor display, an ARB thing and also just putting in there the capability for credit or debit transaction to take place. She said so these are what we consider minor changes to the fee section and we either need you to adopt a resolution of intent or make a recommendation and a motion that the Board adopt a resolution of intent for this one where we want to get it done quickly so it can catch up with the other one. Therefore, our request is that someone make a motion to adopt the resolution of intent.

Mr. Keller invited questions for staff.

Ms. Spain pointed out the fourth item down did not show up on your screen and it says provide a fee for reapplication of a zoning or special use permit request – all the other phrases refer to removing, including or adding a fee. Therefore, she was confused about what provides mean.

Ms. Echols replied that she did not call that one out, but this is to provide a fee for reapplication. She said that means if a project gets deferred and it turns out there is some reason why almost at 3 years or past 3 years if the Board of Supervisors wants this project to continue on its path because you finally have gotten it so close to something that is acceptable, that the Board could authorize a reduced fee for them to reapply so they do not have to start all over again at the same fee.

Ms. Spain asked could it say then charge a reduced fee, and Ms. Echols replied yes.

Mr. Bivins asked how the $852 amount on page 1 of the staff report relates to $435 amount on page 2.

Ms. Echols replied that the $852 was the average cost for an advertisement fee and we got some push back on that being excessive if you did not need that much so we dropped back to say everybody has the same minimum and $435 is the figure. Therefore, our recommendation for right now is that we make that fee lower.

Mr. Keller opened the public hearing and invited public comment. Hearing none, he closed the public hearing to bring the matter back for discussion and action.

Mr. Dotson moved that the Planning Commission adopt a resolution of intent, also known as Attachment B, that it be modified to say now therefore be it resolved that for purposes of public necessity, convenience, general welfare and good practices the Albemarle County Planning Commission hereby

adopts . . .” He said my understanding is that this will not go to the Board, the Board knows and wants the fees to come along with the other Code changes to help implement them and so we are not really recommending to the Board, we are just enabling the staff to do the obvious.

Mr. Fritz noted that it was an integral part of the other action.

Ms. Spain seconded the motion.

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

The motion passed by a vote of 5:0 (More, Firehock absent) for approval of the resolution of intent.

RESOLUTION OF INTENT

WHEREAS, Section 35, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for various zoning related applications and approvals under the Zoning Ordinance, and procedures and other requirements related thereto; and

WHEREAS, it is desired to amend Section 35.1 of the Zoning Ordinance in order to delete the fee for a citizen-initiated zoning text amendment; add a flat fee for notice for a single public hearing by the Planning Commission and the Board of Supervisors; add a fee to re-advertise and provide other public notice for additional public hearings; add a fee to reapply for a zoning map amendment or a special use permit that is substantially the same as a withdrawn application, when authorized by the Board of Supervisors; delete the fee to defer an application; and allow fees to be paid by credit or debit card; and

WHEREAS, it is desired to amend Section 35.2 of the Zoning Ordinance to limit the availability of the reduced fee when there is a simultaneous review of an application for a zoning map amendment or a special use permit and a site plan or subdivision plat to only when an application for a special use permit for outdoor display and sales is reviewed simultaneously with a site plan; and

WHEREAS, it is desired to amend Section 35.3 of the Zoning Ordinance in order to allow paid fees to be refunded if an application is withdrawn within 70 days after the date the application is officially submitted.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 35.1 of the Zoning Ordinance to achieve the purposes described herein; and

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

* * * * *

The meeting moved to the next item.

Review of Board of Supervisors - August 1, 2018

Ms. Echols reviewed the actions taken on August 1, 2018.

The meeting moved to the next item.

Committee Reports.

Mr. Keller invited committee reports. Hearing none, the meeting moved to the next item.

Old Business.

Mr. Keller invited old business.

Mr. Dotson asked to defer discussion of the process changes since Commissioner Firehock was absent and with the change in attorneys, it makes sense that this is not pressing business though it is important business to schedule it at a later point. He said that John Blair indicated that when we do amend our By Laws that we have to so declare at least one meeting prior to the meeting where we are going to do that.

Mr. Kamptner noted that it had been a couple of years since he looked at them, but that would parallel the Board's procedure for amending their By Laws.

Mr. Dotson said proposed that we defer that until we can get with the legal department, but he thinks tonight's discussion actually has helped to define the issues that we will be addressing.

Mr. Keller said the points that you made on that are quite interesting and a way to do this in a thoughtful way. He said he liked that distinction between what we do and what the Board does since they are the ultimate decision makers. He thanked Mr. Dotson for thinking about that clarification.

Ms. Riley asked to get a staff summary of what the next steps on the Southwood Study Session were. She asked are we going to get anything written about what the consensus of the direction that was given back to Habitat and the second part is there going to be another study session.

Ms. Echols replied that we could report on what we heard at that meeting and as you might, all remember we did that with the Comprehensive Plan whenever we had a work session we would put together a summary document and we can provide that. In terms of the next meeting, Ms. Echols said she was thinking there will be a next meeting, but it was not completely discussed at the end of that session. She said Megan believes there will be one, but we just need to make sure that the Board members are all on board with that. She said there was so much discussion around these issues and a lot of different perspectives that needed to be demonstrated in that room that she thinks there will be. She said my guess is yes, but we will give you the facts as soon as we get them.

New Business.

Mr. Keller invited new business. He said there were a couple items we talked about including a point about proffers and a little work session cheat sheet.

Mr. Bivins said he was struck when he read the update to the ZTA that there was that section on proffers that referenced the State Code and so he went to the State Code thinking we were not allowed to do proffers any longer or we are not able to receive proffers and it is sort of a planning mystery. He said after reading the language that there appear to be two items that have been set outside and so thought it would be helpful if staff or our attorney could give us a bit of the more current thinking since this is a reformatted statute.

Mr. Fritz said that he can do two things, one, we gave a presentation to the Board of Supervisors some time ago.

Mr. Kamptner said the most recent analysis in writing that he had done was March 2018 so it was just a couple of months ago and he teaches a statewide class every June. He said if you go on line and look in the Land Use Law Handbook, Chapter 11 and the analysis of the new proffer legislation on page 11-11 and it gives the break down. He said because of the complexity of that statute it is best that you go to this most recent analysis of it.

Mr. Bivins asked staff to send that link to the Commission because it would be helpful, and Mr. Fritz said

staff would send you the link.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m. to the next meeting on August 14, 2018 at 6:00 p.m. at the COB-McIntire, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 10-16-2018
Initials: sct