

**Albemarle County Planning Commission  
May 7, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 7, 2019, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Vice Chair; Daphne Spain; Bruce Dotson; Pam Riley; Karen Firehock; Jennie More; and Luis Carrazana, UVA representative.

Members absent: None.

Other officials present were Leah Brumfield, Senior Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; David Benish, Interim Director of Planning; Rebecca Ragsdale, Senior Planner; Bart Svoboda, Chief of Zoning/Deputy Zoning Administrator; Daniel Butch, Senior Transportation Planner; Kevin McCollum; Stephanie Banton, Management Analyst; Carolyn Shaffer, Clerk to Planning Commission; and Andy Herrick, Deputy County Attorney.

**Call to Order and Establish Quorum**

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

The meeting moved to the next agenda item.

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

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

**Consent Agenda**

**SUB201900039 Briarwood (Special Exceptions)**

Mr. Keller asked if any commissioner wished to pull an item from the consent agenda for discussion. Hearing none, he asked for a motion.

Ms. Firehock moved to approve the consent agenda. Mr. Dotson seconded the motion, which passed by a vote of 7:0.

**Presentations**

**TJPDC's Long-Range Transportation Plan**

Mr. Butch stated that he had prepared a presentation on the informative report for the Planning Commission of the TJPDC's Long-Range Transportation Plan (LRTP), which would be

going to the MPO for adoption in May. He said that after the presentation, there was the CPA for the Jefferson Bike-Ped Plan, followed by questions.

Jakob Zumfelde of the TJPDC and Charlottesville-Albemarle MPO stated that he would be providing background on the long-range transportation plan, followed by questions. He provided an overview of the LRTP and said it was updated every five years, so this was the LRTP 2045 -- looking forward 25 years to what the region might look like in 2045 and focusing on understanding the future transportation needs.

Mr. Zumfelde stated that creating the plan was a requirement for receiving federal transportation money, and it was also a requirement for SmartScale applications that they be included as appropriate in the region's LRTP, which includes the transportation needs that are regional in scope -- corridors, transportation infrastructure that provides for travel through the region, around the region, and between the localities.

Mr. Zumfelde said that it used a performance-based approach, so there were federal requirements that had been instituted, particularly over the last five years, so this addresses those. He added that there are goals, objectives, and quantifiable performance measures used in planning, as well as a travel demand model -- which was what looked ahead to 2045, and projected population and employment growth. He noted that they worked with City and County staff to identify where that growth would be, and that model was able to estimate further transit and traffic. He said that was used to identify needs in the plan and to evaluate projects.

Mr. Zumfelde reported that the plan is required to have a fiscal constrained list (those projects estimated to be financially feasible) and a visioning list (all other projects), and in the past the list was particularly important because it was what the state Commonwealth Transportation Board and decision makers would use to identify the projects that would be funded within the next five-year period. He added that at this point, SmartScale does more of that evaluation than the actual decision making that the MPO did in terms of constrained and visioning lists, so they are still following federal guidance and have created a constrained list as part of this plan. He noted that many projects in the vision list were considered equally viable and important to the plan.

Mr. Zumfelde explained that to create the constrained lists, they estimated future funding, with some information coming from VDOT and other aspects coming from past performance or past money the region has received. He said that there were different estimates between now and 2045 for roadway projects, bicycle and pedestrian projects, intersection projects, and bridge projects. He said that using those estimates for roadway and transit projects in particular, there was a process used whereby roadway and transit projects were combined and evaluated together. He asked if there were questions regarding the project lists included in the document.

Mr. Zumfelde stated that the LRTP would have two public hearings, with one already held at the April MPO Policy Board meeting; at the May MPO Policy Board meeting, there would be a second public hearing on the LRTP, with the MPO expected to adopt the plan.

Mr. Butch added that once it was adopted by the MPO, it would be coming back to the Planning Commission for a work session and public hearing to adopt a resolution, then it would go to the Board of Supervisors.

Mr. Keller commented that he appreciated having this information in advance.

Mr. Zumfelde mentioned that Wood Hudson had made a presentation, and there had been one at the very beginning of the process as well.

#### **CPA201900001 Jefferson Area Bicycle and Pedestrian Plan**

Mr. Zumfelde reported that the TJPDC had completed a bicycle and pedestrian plan for the region in 2004, which encompassed all localities in the district. He stated that a few years ago, the TJPDC identified the need to update the plan, particularly to increase planning and coordination between entities in the region. He said that in 2014, the PEC received a Strengthening Systems grant from the Charlottesville Area Community Foundation (CACF) that funded extensive community outreach and stakeholder coordination associated with the plan.

Mr. Zumfelde explained that the vision of the plan is to bring together multiple planning efforts and provide a guide for implementation on a regional scale, ensuring cooperation and coordination among localities. He presented an overview of efforts that were completed, noting that there was significant public engagement and an inventory of existing conditions and existing plans for bicycle and pedestrian infrastructure in the region.

Mr. Zumfelde stated that there was also an identification and evaluation of corridors, looking at both urban and rural corridors -- so the document was split up in two different sections, one being urban that looked at the City of Charlottesville and development areas of Albemarle, and the other being rural, looking at the other areas, including towns and development areas throughout the TJPDC region. He noted that the document that has been created over the last year was adopted by the MPO in February and the TJPDC in March.

Mr. Zumfelde said that the PEC held multiple public engagement events in November of 2017 and 2018, which drew hundreds of people -- and PEC also attended many events to learn community concerns, values, and aspirations. He stated that there was a survey conducted that received 857 responses, which provided notable data on safety, design, and specific community desires. He noted that the themes of that engagement included the need for more infrastructure and a more connected network, so the existing shared paths in the region are heavily used, and it was clear that the inventory is insufficient.

Mr. Zumfelde stated that the public engagement process revealed that the predominantly quasi-formal trail network was not desirable for many residents in the region, and

infrastructure was not yet connected into a network that was desirable for use for transportation -- although it was possible to commute by bicycle. He said that additional infrastructure would make a more connected network that increased the desirability of walking and biking as a legitimate transportation option.

Mr. Zumfelde stated that the need for regional cooperation was clear through community engagement, and many existing gaps were at jurisdictional boundaries, so all stakeholders must coordinate their efforts.

Mr. Zumfelde said that with existing infrastructure data, the City has an inventory shared online, and at the beginning of the plan the County inventory was minimal, there had been significant effort done by PDC staff and County staff to bring it up to date, and UVA also has an inventory of bicycle/pedestrian infrastructure on grounds. He noted that all of these groups had been working together, as explained in the memo, on having data in a similar format and ensuring that it's shared.

Mr. Zumfelde stated that regarding existing plans, the City bike/ped plan from 2015 had detailed recommendations; the county Comprehensive Plan and that many area plans had general and specific recommendations; and the UVA bicycle master plan from 2007 had some recommendations. He said that these were all pulled together, and he referenced a map showing the recommendations from the many different plans in the region.

Mr. Zumfelde stated that to focus the effort on the regional network, there were urban and rural corridors identified -- and this included on-road infrastructure for bicycles, bike lanes, shared roadways, and separated shared use paths for bicyclists and pedestrians. He said that the process for identifying the urban corridors included the public engagement efforts that made broad corridors apparent, and PDC and PEC staff identified corridors to evaluate as part of this plan -- which were presented at one open house and revised based on public and local staff input.

Mr. Zumfelde said that urban corridors were shown on the map on the backside of the one-page bike/ped plan overview, and an interactive map that includes more description of the rural corridors is available on the TJPDC website. He emphasized that these were not specifically indicating which side of the road or which side of the river these proposals would be, and it is meant to show the regional network and be a starting point for additional analysis.

Mr. Zumfelde stated that the next step that was completed was prioritizing the corridors, and this was done using the Active Trans Priority Tool, a flexible methodology with many possible categories and variables that can be used. He said the five broad categories used in the evaluation of this plan are: destinations, giving more priority to corridors that are close to schools, libraries, parks, etc.; population and employment density; equity, looking at residents in poverty, residents who are minorities, and households with no vehicles; the improvement over the existing conditions; connectivity, whether something crosses a physical or political barrier; and demand, attempting to estimate how many people might use this.

Mr. Zumfelde reported that the results of that tool were shown at a public open house, and through public and local staff input, they were revised slightly to create the final prioritizations as shown.

Mr. Zumfelde stated that for the rural corridors, there were some similarities and some differences to the urban corridors, and the types of infrastructure recommendations included shared-use paths, improvements in towns and development areas -- sidewalks, bike lanes, etc., and rural shared roads -- road where cycling may be common and improvements such as signage or wide-paved shoulders can increase the safety and desirability for all road users. He said that bicycle route 76 is included in the plan, but the PDC did a separate study a few years ago to evaluate some of the ways that route could be improved, and this plan did not repeat those recommendations.

Mr. Zumfelde stated that the reason for rural corridors is to guide implementation, so routes of regional significance were identified, including those proposed in previous plans. He said that bicycle rider data from the app STRAVA informed the roads that were identified for rural shared road improvements, and this app is used by cyclists to track when they are out riding, with the data aggregated and the company providing a heat map that shows which roads cyclists are using the most. He noted that discussions with VDOT, County, and town staff also led to the recommendations, and the plan would be used by those entities and other decision makers for improvements in the rural areas.

Mr. Zumfelde stated that the plan included reference to many of the benefits of bicycling and walking and bike/ped infrastructure in the region, health benefits, economic benefits, environmental benefits, and some national trends of various sorts. He noted that along with corridors and prioritization was a chapter on implementation strategies where there was a high-level cost estimate for completing the entire network. He added that there was an indication of the different funding sources that can be used, as well as a lot of emphasis on the area where the City, County, and UVA come together -- and projects that potentially need coordination between the different jurisdictions.

Mr. Zumfelde explained that after all the steps mentioned thus far, the efforts were compiled into a plan document, which was reviewed at an open house held by the PDC in January -- as well as by staff from VDOT, UVA, and the localities. He stated that a larger greenways advisory group, which has included representatives from the health district and other stakeholders, and the MPO committees had also reviewed it. He reiterated that the document was adopted by the MPO in February and by the PDC in March.

Mr. Zumfelde said that in looking at next steps, he would provide information to all stakeholders as requested and ensure that the plan and plan projects were incorporated in all future relevant plans. He stated that there would be continued community input as implementation was identified, and there would be multi-stakeholder coordination, project and

corridor studies -- especially in pursuing funding, and grant applications to get the funding to build the infrastructure.

Ms. Riley asked if the PDC or PEC had any remaining funds from the CACF, or if there was additional staffing anticipated for implementation.

Mr. Zumfelde responded that he could not speak to that specifically, but the MPO had in the unified planning work program (UPWP), for which there would also be a public hearing at the upcoming MPO meeting. He noted that this necessitated additional staff time on this corridor evaluation, and there was the intent to continue regional meetings to discuss which projects to apply for different funding. He added that continued coordination and continued work toward studies and grant applications will happen, and there was some money already indicated there.

Ms. Spain complimented staff on the TJPDC's website, which she found to be very well done and informative. She said she was wondering about the funding as well, and it was clear that there was nothing for implementation currently.

Mr. Zumfelde confirmed that there was no broad funding identified yet to build infrastructure identified in the plan.

Ms. Spain asked if the Rivanna River Fest was the same one previously held in the fall, because Dan Mahon had mentioned moving it to the spring and she wasn't sure if there would be two this year.

Mr. Zumfelde replied that he did not know, and he confirmed that the path to the river was created with NIFI money for the Pantops region. He said that he did not remember who was coordinating the river festival, and he did not think it was County staff.

Mr. Benish clarified that there was an event held in September, and he did not know whether they would continue to do that or not.

Ms. Spain asked if this was only on the County side or if it was on the City and the County side.

Mr. Zumfelde noted that they were meeting at Darden Towe Park.

Mr. Benish added that it was only on the County side.

The Chair opened the public hearing.

Mr. Dave Redding of EcoVillage Charlottesville stated that the United Nations came out with a story that anticipated one million species to be eliminated because of global warming and other things, and they really need to address this and urban sprawl. Mr. Redding said that he is a cyclist and they need more bike trails, noting that he lives on Rio Road East and comes into the City on a bike sometimes twice a day. He added that he wouldn't want to be in a car because

the traffic sometimes backs up all the way to Charlottesville High School. He mentioned that the bike lanes now -- the one on the John Warner Parkway off the side of the road -- works well for people, but many are afraid of riding bikes on the road so they need to do better with making paths. He emphasized that the paths are a lot less expensive to make for bicycles to get one person into town than they are to make for cars to get people into town. He stated that almost 1/5 of the money going to cars was going to bike and pedestrian trails, and they need it to get people in and out of town and for their health.

Mr. Redding emphasized that they need to do things differently and convince people to do them, adding that busses now are not full -- with the Route 11 bus route often having just four or five people when it comes by his house. He stated that they needed to do something better to get people on busses, on bicycles, and to save some of the species that are dying out as a result of global warming.

Mr. Sean Tubbs of the Piedmont Environmental Council addressed the Commission and stated that he was present to support the adoption of the plan, as it is a document that increased building the foundation for the regional network of pathways that will allow people to get around the urban community. He stated that the Rivanna River Fest was to be held May 11, on both sides of the river. He mentioned that there was \$6 million in the County budget for FY21 that the Board put aside for projects.

Mr. Tubbs said that his colleagues Peter Krebs and Rex Linville had worked with the TJPDC to put this plan together over the last several years, with the PEC working on public engagement projects with support of the Strengthening Systems grant from the CACF. He stated that he first learned of this work when he was a reporter and took an interest in trails and how they would build the networks that Mr. Redding was discussing -- and how they would give people the option to get out of their cars should they choose, and how to get them into those alternate possibilities.

Mr. Tubbs stated that the PEC did not get involved with this just to create a new plan -- they wanted to see a system that was actually constructed, and for the community to share in the benefits they felt this would provide, both ecologically and personally. He said that their theory is that the reason plans aren't implemented is because of a lack of community support, which hopefully the PEC could play a role with. He noted that the PEC had talked extensively with members of the community about this effort, listening to their ideas and trying to get it reflected in the plan to get broad-based support for the future.

Mr. Tubbs emphasized that the PEC did not see adoption of this plan as a "be all, end all" but saw it as the beginning of a new chapter in the long journey towards implementation. He said they hoped that the regional corridors loosely identified here would be key places, adding that he had walked through the Sunset Avenue area, where there were serious gaps. He stated that there were about to be a lot of people at Southwood, and they could bike or walk to jobs at UVA but could not do so safely right now. Mr. Tubbs added that this plan was a step in the process, and seeing the results at Hillsdale Drive, Berkmar Drive Extended, the shared-use path,

etc. was helpful in demonstrating the need to look at the bigger picture -- that they can see the funding -- and it would take the County's decisions during rezonings to make it happen.

Mr. Neil Williamson of the Free Enterprise Forum complimented the plan and the work that went into it, including the work of the PEC to get public engagement. He stated that one of the Forum's tenets is to have stakeholders involved in things they are stakeholders with, and this is a good example of energy being put behind that idea. He said that he did not support the notion that rezonings should be the turning point at which bike/ped amenities were decided, and if the community wanted something, it should work together to fund it -- not on the backs of new homebuyers.

Mr. Redding said that EcoVillage had attempted to put a bridge across Meadow Creek, where Oliver Kuttner owned property, and the UVA Engineering School did a capstone project to engineer a bridge so that EcoVillage residents could get on the trail -- and they were putting a trail through their property so people didn't have to walk on the road. He stated that it was too difficult because of all the rules and regulations, including those from VDOT related to a guardrail there.

There being no further public comment, the Chair closed the public hearing and brought the matter back before the Commission.

Mr. Bivins commented that they were cognizant of the timeliness of the data, as the plan seems to use data from 2010.

Mr. Zumfelde responded that he understood it to be American Community Survey data from 2012-2016, with five-year averages.

Mr. Bivins said that they could use the Weldon Cooper Center and the County's own in-house data, as it was helpful to use more local data instead of macro-data gathered at a higher level -- and they should take advantage of current data that reflects the community's composite.

Ms. Spain pointed out that five-year averages were all that were available for the American Community Survey in terms of census data, and she asked for clarification.

Mr. Bivins responded that he was looking for the source that came from some of the surveying that took place from the school system and community survey through the University. He stated that in talking about serving underserved populations, those decisions were being made on locations with data that did not fully indicate how underserved they were. He added that they were seeing some shifting in where underserved people might be, so it would be helpful to have the freshest possible data.

Ms. More stated that on Page 90, the plan talks about a path along the U.S. 250 corridor connecting the urban areas to Crozet, and asked if they were suggesting a path that went through Ivy all the way to Crozet through the urban ring.



Mr. Zumfelde confirmed this and said that with all the corridors here, it wasn't necessarily following the exact same path of Route 250, and there could be some different aspects of that corridor considered. He stated that this was an effort that the Rivanna Trail Foundation and others had discussed and considered -- generally referred to as the Three Notch'd Trail -- to build a path along that corridor.

Ms. More commented that there was a lot of desire to have walkability in Crozet, with three schools and neighborhoods but no way for anyone to bike safely on the stretch along Route 250 where the development boundary is, and she wondered if this was a separate vision or if it could ultimately connect to master plans. She added that the community wasn't looking for something right on the road but was looking for something off the road that would be safer.

Mr. Butch responded that they were looking into the Crozet area with the master plan, and they know this has the regional significance to connect Crozet to Charlottesville -- but it might not say they had an exact shared-use path. He said when it came down to transportation priorities, they had certain projects that would piece this together on 250 closer to the City, and within Crozet itself -- but it may look more like bike lane and sidewalk improvements. He added that the bits and pieces put together would show what type of improvement it is.

Ms. More said that a question she'd heard from people in Crozet who were interested was a protected bike lane, and she was frustrated not to be able to zoom in more on the map in the plans -- and there is no background to give an idea of exactly where this is. She stated that perhaps the detail is not there on purpose, but some of the lines were pulled from other sources and perhaps some of these go across people's properties, which makes people nervous if they don't know exactly where they are. Ms. More emphasized that they have done a lot of wonderful work here, but it was hard for her to orient.

Mr. Zumfelde responded that given that these are regional corridors, the location is not set and it may show that a full evaluation of a corridor would show it across the street on a different property than this plan.

Ms. More agreed that it was best not to be too specific, as it could upset people and things may shift.

Mr. Zumfelde pointed out that if you zoomed in too far, the corridors disappeared so they were no longer visible, for the exact reason she had just pointed out. He emphasized that the plan was meant to show a regional network and approximate proposed locations.

Ms. More commented that things like this could interact with more specific elements in master planning, and they could work together as pieces and parts could get them to the bigger picture. She said that Pantops just had their review but Crozet was going under review and there was opportunity for a new list of hopeful bike and pedestrian connections, with interconnectivity and communication needed as to what they were doing. Ms. More noted that

the Field School of Charlottesville was not mentioned in this plan, while Tandem and St. Anne's and others were.

Ms. Firehock stated that this was a great plan, and for developments, the top desired amenity was trails -- with a lot of studies in that direction. She said that she was on the City's Planning Commission and had worked on trail planning there, and one of the things that made the trails in Charlottesville work was that every time a development was proposed, the developer was made aware of a trail location and how they might connect to it. She added that she had been in several meetings where there were special exceptions to shrink sidewalks and roads so they could have enough room left over to make a trail to connect.

Ms. Firehock said that the County could take a more proactive approach if they knew in general where a trail was going to be, and there were a number of developments in the County that had circular inner trails that went nowhere. She stated that she had talked to residents about why they haven't used the trail, and they explain to her that they just go in circles. She emphasized that the County had a role in being more proactive to encourage developers to provide connections.

Mr. Keller commented that he is interested in interconnection, and the LRTP chapter for bicycles and pedestrians, a lot of the good ideas that are shown in the plan tonight were not incorporated. He said if they were going out so many years for long-range planning, there is only a brief mentioned of the transportation aspects for the people who were beginning to truly commute into the urban center versus the recreation. He said that they have the recreational routes, the transportation routes, and tourism-related trails, such as Route 76 -- which goes through most of the counties in the planning district.

Mr. Keller pointed out that nothing really spoke to the multi-modal transportation efforts along the north and south along the eastern corridor, such as there was around Richmond, and he wondered if there was that potential here as well. He asked if they could possibly go a step further and think about the other interconnections, adding that they had an interesting presentation about a non-track train the PEC brought recently and whether it was that or busses with provisions for bicycles. He commented that it seemed there were a lot of simple interconnected pieces between the multiple forms of transportation that didn't seem to have connections discussed here, which should be more specifically clarified.

Mr. Zumfelde responded that the LRTP in general referred to the bicycle and pedestrian plan as the primary plan that indicated the bike/ped needs and projects for the region, so there was a lot of LRTP reference to the bike/ped plan. He said that in Chapter 3 of the LRTP, it talked a lot about changing technologies -- and there was more reference to how big things like autonomous vehicles could impact transit and whether someone would choose to own a car, and how it would impact other mode decisions. He said that it was referenced there in a way that brought these things together but it was also in the chapter with uncertainty in the title, indicating that it was unclear how some of this would play out and how best to plan for that future.

Mr. Keller stated that the gold standard for commuter bicycle routes around the country and the world was separation and not having the auto and bike together, and he was not seeing a strong enough argument for that in either of the two plans. He said that as nice as the alternative curvilinear route from Rio to 250 is, it isn't the efficient, quick manner -- and there was not that separation in the straighter route for the bicycle commuter.

Ms. Riley commented that there are some people who commute to work and would be willing to commute long distances, and a lot of people would be willing to ride a quarter-mile and then get on the bus, and she would like to see more of that information and those links -- as that was potentially a higher percentage of biker/transit people. She said that as they were identifying the corridors for multi-modal, she was interested in the routes for people that would combine transit with biking.

Ms. Firehock stated that the plan feels like almost a transportation or commuter plan, and she was thinking about other bike routes in the County and how they would fit in here. She added that in her district, there was not a lot of infrastructure they would do because the roads were overly narrow and couldn't be widened, with no room for bike lanes. She said they had a lot of bright green "Share the Road" signs that were put up several years ago.

Ms. Firehock stated that in terms of tourism, she did not know if there was any infrastructure they would do but a lot of bike clubs came down Howardsville Turnpike -- specifically coming to Albemarle County, unloading their vans, and riding their bikes in that area to Scottsville. She noted that they come here to have that experience, and the only reason it works is because the roads are sparsely traveled. She added that from a tourist perspective, people may want to know that there are beloved routes like that, and it seems that those routes are not acknowledged in the report.

Mr. Zumfelde responded that the rural section of the plan referenced that it was more than just transportation, and using STRAVA data that was not capturing everyone, there was an indication in that section that it was about tourism and a variety of things.

Ms. Firehock said that the routes she knew were super-popular were not mapped.

Mr. Zumfelde acknowledged that they did not capture everything.

Mr. Dotson **moved** to approve amending the Albemarle County Comprehensive Plan, CPA2019-0001 to formally incorporate recommendations from the Jefferson Area Bicycle and Pedestrian Plan 2019 under Objective 4 strategy 4a and strategy 4c. Ms. Firehock **seconded** the motion, which passed 7:0.

#### **ZTA201900001 Zero Lot Line**

Mr. McCollum stated that he would be presenting information on the zero lot line item, with this amendment focusing on updating side setbacks and other applicable regulations for non-

infill residential districts. He explained that infill development is a process of developing land in areas that are already largely developed, such as building a house in an existing neighborhood that had been there for some time. He said that non-infill development was essentially greenfield development where a house was built on brand new lots in new neighborhoods. He said that for the purposes of this ZTA, they were focusing on the non-infill development.

Mr. McCollum stated that the changes proposed were for side setbacks of non-infill development, with setbacks defined as the distance by which any building was separated from any lot line – such as the property line in between the two houses considered the side lot line. He said the side setback would be the distance the houses are from that property line, and Section 4.19 of the zoning ordinance provides specific setback distances for residential districts. He stated that for non-infill development, the side setback minimum was listed as “none,” with a minimum building separation or distance separating the two buildings of 10 feet.

Mr. McCollum said that this essentially meant that the houses can be built as close to the property line as they wanted, as long as there was at least 10 feet of space in between the buildings. He stated that the regulations created a problem when neighboring properties wanted to build closer than the 10 feet to the lot line, and if a neighbor chooses to build as close as zero, the next neighbor had to build at least 10 feet away because of the minimum building separation – and the second neighbor now can’t build on the first 10 feet of the property. He said that because of problems like this, a resolution of intent was adopted to establish a minimum side setback greater than the existing zero feet.

Mr. McCollum presented an example that showed two lots developing with a side setback distance of zero, thus limiting the lot in between them in terms of how big the house could be because of the building separation. He said that by building at zero, the two lots were preventing the third lot from building on the first 10 feet on either side of the property. He noted that there currently was no language that prevented the lots from doing this, and the public purpose of the ZTA would be to prevent these issues between neighbors from happening. He also presented an example of houses building two-foot additions, but one homeowner putting their addition on first would preclude the neighboring house to do it because of the distance from the lot line.

Mr. McCollum stated that there are no regulations currently to keep this from happening, and what they are proposing is to establish a minimum side setback of five feet that will apply to house, the architectural features of those houses, and any accessory structures like sheds. He said that after much discussion with local builders, stakeholders, and staff, and doing research like other localities, they have found that a five-foot setback is not only the easiest but the best solution to the problems the existing regulations create. He said that a five-foot setback not only ensures a 10-foot minimum building separation but also provides ample space for normal property maintenance and establishes a much simpler regulation for homeowners, builders, staff, and the community.

Mr. McCollum stated that additionally, they were proposing changes to allow buildings to be

built closer than five feet as long as they ensured the 10-foot minimum building separation. He noted that in a zero lot line development, houses can be built at a zero-foot size setback because a 10-foot maintenance easement was recorded. He said this easement allowed for setbacks to be reduced down to zero because 10 feet of separation was ensured.

Mr. McCollum stated that staff is proposing changes to allow for those regulations to apply for all types of residential development, so an easement could be obtained to go closer than a five-foot setback. He noted that this easement would not only ensure a minimum building separation but would allow for property owners to perform normal maintenance on their houses. He added that the regulations changes are important because they clarify how you can reduce the proposed setback, which gives the builder and homeowner flexibility in their setbacks and forms.

Mr. McCollum summarized the changes to the ordinance as amending Section 4.19 and Section 4.11 to establish a five-foot setback for primary and accessory structures, and amending Section 4.11.3 to allow for the five-foot setback to be reduced as long as an easement was recorded that ensures the minimum building separation. He said that staff is recommending approval of the ordinance changes found in the staff report.

Th Chair opened the public hearing.

Mr. Neil Williamson of the Free Enterprise Forum commented staff based on the conversation earlier about stakeholders. He said that the idea of zero lot lines seemed to make sense to him in a greenfield scenario, but with a leftover lot and a garage on the lot line, there was a setback of 10 feet -- which presented a challenge. He said that the Forum supports these changes, which he feels are common sense, and he appreciates both the Commission's work and staff's work on this challenging item.

There being no further public comment, the Chair closed the public hearing.

The Commission complimented staff for all their work and their thorough explanations.

Mr. Carrazana stated that he had recommended several localities to consider when making Albemarle's ordinance, and he appreciated staff looking into those.

Mr. McCollum responded that Riverside County in Los Angeles had a five-foot setback, so if the report existed, they probably recommended five feet because it made more sense.

Mr. Keller asked if they had talked to fire officials in the discussion of buildings this close together, adding that the point of departure historically was fire and being able to get between buildings and save houses in denser neighborhoods. He said that as they were moving towards denser communities, some of the health and safety issues that were less apparent in the dispersed suburban areas they have needed to be revisited. He stated that he was not suggesting they hold up the process, and what they did in the workshop for CAC and how a

piece of land would develop was helpful.

Mr. Keller said that in thinking about the negative side of why development patterns happened, they should think about some of the positive rationale for some of these things -- and distance between buildings should be simple and non-controversial.

Mr. Dotson **moved** that the Planning Commission recommend to the Board of Supervisors approval of ZTA 2019-0001 and the proposed ordinance changes found in Attachment C. Ms. More **seconded** the motion, which passed 7:0.

### **Committee Reports.**

Committee Reports.

**Mr. Dotson:** He reported that he had visited the Southwood project with his Supervisors member, and he had visited there numerous times for other reasons -- but this time, after talking with residents in a conference setting and learning about their feelings about the community, it took him back to urban renewal and he wanted to avoid the mistakes of that era. He commented that this was a vibrant community, and he hoped the new Southwood was as good as the old one.

Ms. Riley asked if he saw any of the phase one land and the site.

Mr. Dotson responded that he spent a good bit of time looking at the model in the Southwood office but didn't actually get out on the land.

**Ms. Firehock:** She reported that she and Supervisor Palmer would be walking around the southern neighborhoods on May 8, looking at various things.

**Mr. Keller:** Several Commissioners had attended the ADU (Accessory Dwelling Unit) meeting that provided information on the consortium of the City, County, Washington, D.C., and Portland, Oregon that are all in discussion about the ADUs. He said that it would be interesting to see how this develops, and they found they had a higher number for the population than the others -- with the City study showing 800 and Portland hoping to bring on 20,000. He noted that of the 800, it was projected that 400 were in the homestay category, yet one of the City's Planning Commissioners said that only 19 were legally registered.

### **May/June Planning Commission schedule.**

Mr. Benish distributed a schedule for May and June, noting that staff planned to hold a work session on May 21 to go over the Southwood rezoning, with possibility for a public hearing in June. He said he hoped to have a joint work session on July 9 with the Board and Commission to

discuss stream health recommendations and a status report on the Rio/29 Small Area Plan work being done for the ordinance update.

**May 1, 2019 Board of Supervisors meeting.**

Mr. Benish reported that the Board had reviewed the EcoVillage SP for uses in the preserved slope area, and they approved it as recommended by the Commission. He stated that SP2018-022 Dogtopia was approved as recommended by the Commission.

**Old Business/Items for Follow-up.**

There was no old business presented.

**New Business.**

There was no new business presented.

**Adjournment.**

At 7:25 p.m., the Commission adjourn to May 14, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, county Office Building, 401 McIntire Road, Charlottesville, Virginia.

---

David Benish, Interim Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards, transcribed by Golden Transcription Services)

Approved by Planning Commission
Date:
Initials: