

**Albemarle County Planning Commission
FINAL November 12, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 12, 2019, 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; Daphne Spain; Jennie More; Karen Firehock; Bruce Dotson; and Pam Riley.

Members absent: Julian Bivins, Vice-Chair; and Luis Carrazana, UVA representative

Other officials present were David Benish, Planning Director; Carolyn Shaffer, Clerk to Planning Commission; Scott Clark; Rachel Falkenstein; Michaela Accardi; Andrew Knuppel; Andy Herrick; and Bart Svoboda.

Call to Order and Establish Quorum

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

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

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, he moved on to the Consent Agenda.

Consent Agenda

Mr. Keller asked if any commissioner cared to pull an item from the consent agenda. Hearing none, he asked if there was a motion for acceptance.

Ms. Riley **moved** to approve the consent agenda. Ms. More **seconded** the motion, which was carried by a vote of 6:0. (Mr. Bivins was absent from the vote.)

Old Business

2019 Growth Management Report Revisions & Findings

Mr. Andrew Knuppel (Community Development) said this item was pursuant to the prior meeting on September 24 at which staff first introduced the 2019 Growth Management Report. He said he would briefly recap some of the topics that came up the last time, walk through the revisions that were made to the report, and then present recommended findings as requested. He noted the information was in the staff report and would not be any new information but would help start the discussion.

Mr. Knuppel recalled that on September 24, staff presented the Commission with a draft report for its review. He said they received a lot of feedback from the Commission about clarifications to language, improving the clarity in the report, and helping better communicate the methodology. He said there was some discussion of the report methodology and potential applications of the data, as well as how to use the information in the future for other planning projects and considering capital planning in a way that is consistent with the report.

Mr. Knuppel said that later, staff requests return for discussion about the Commissions' desire to establish some findings from the report and talk about next steps. He said staff did outline some proposed recommendations and next steps as far as continued performance reporting for the Commission, which also includes the annual report that staff has been creating as well.

Mr. Knuppel said he would run through some of the revisions staff made since the last meeting. He said the report was substantially the same and that staff had not made any tweaks to the methodology, stating that that "ship had sailed" as far as staff capacity and their ability to re-run the model. He said they added some background information about the statistical area in response to a concern that was raised about the nomenclature.

Mr. Knuppel said Neighborhoods 1-7 have been used since the 1970s in the Comprehensive Plan and that Pantops has its own name covered in the Master Plan. He said otherwise, staff uses these terms to refer to the neighborhoods as statistical areas. He said there were some slight boundary changes over time, but that these were intended to stay static in what it serves.

Mr. Knuppel said staff added some additional letters to table columns in the report to help add some clarity about how each column was multiplied or added, which would help people do the mental math about how units and population multipliers are added.

Mr. Knuppel said for the Crozet text, there were edits made there around concerns that were heard, and staff added an additional estimate. He said later, they received confirmation that Old Trail is looking at closer to a 1,200-unit buildout, and there has now been a second estimate added to Crozet. He said that system wide, they had an estimate that removed 1,000 units from the pipeline in Crozet, but because this was a significant chunk of development capacity in the area, a second estimate was added to look at this scenario as well.

Mr. Knuppel said staff added notes throughout the document to make sure that it was clear where they received the pipeline project information from and where they used an adjusted estimate to account for a lower potential buildout. He said this was specifically noted. He added that there were some minor stylistic tweaks made throughout the document.

Mr. Knuppel said the recommended findings were found in Attachment B of the staff report. He said he pulled some takeaways from the report for consideration in the future that were identified as potential applications or in other words, how the data can be used to plan more effectively.

Mr. Knuppel said that staff's potential number one finding was that, in looking at the three scenarios in the report, there are inconsistencies between land use plan scenarios and zoning ordinance, and takeaways to consider as far as how the County can better align its zoning ordinance with land use planning efforts. He said this was something that would take a couple steps to make it happen, as the zoning ordinance did not line up with the Comprehensive Plan's land use categories, and staff wanted to make sure they are considering other on-going efforts such as the housing policy update, Climate Action Plan, and other equity/inclusion initiatives in the County.

Mr. Knuppel said the County would need to update its land use designations to reflect the other initiatives and current best practices. He acknowledged the difficulties in regulating a 6-34 dwelling unit range and creating a zoning code that supports this. He said in the long run, the question was about what the update of the Zoning, Subdivision, and Water Protection Ordinances

look like.

Mr. Knuppel summarized that staff's first finding was about the need to align the land use plans with the zoning ordinance, which was a takeaway that they could look at in the long run as a potential implementation to a staff-added application of what they are seeing in the report.

Mr. Knuppel said the main discussion points from the last meeting was about how the County can use this data to inform planning for future needs and capital investments. He said staff had just identified a few potential uses of this, such as the Capital Improvement Program (CIP), which is a major consideration of how the County prioritizes projects. He said the question was about if the County is responding to where development is currently happening, if they were catching up or planning for where those things happen. He said the Hollymead community came out as an example in the last review in that the County knows there will be development there in the future, and the question was if the County should be looking for potential there with the CIP.

Mr. Knuppel said staff discussed the Transportation Projects prioritized and that they used a land use factor in this and the development tracking information to determine how many potential units would be served in new development by the potential transportation projects in the most recent prioritized. He said staff also looked at the Schools' long-range facility planning to ensure they have school facilities in districts that are sized appropriately to meet the expected population growth. He said to ensure the County has adequate recreational facilities, they know there will be a certain number of people and there are current standards that focus on a service ratio based on acreage per resident.

Mr. Knuppel said there is a transportation analysis zone forecasting as well, noting that the MPO takes a lead on this process and that it was completed a couple years before. He said in the future, this could be something that could be added into the model.

Mr. Knuppel said the takeaway is that there is a great deal of data staff has in a more structured way than before. He said the question was about finding ways to use this data and plan.

Mr. Knuppel presented on the topic of performance management, stating that staff will ensure they will use the data to evaluate the effectiveness of their land use planning policies. He said a performance management strategy could evaluate their planned versus actual usage of land area. He said, for example, that a parcel could be designated for a certain number of units in the Comprehensive Plan, but developed at a different number, and that the performance management could provide a feel for how effectively the development community is utilizing the County's land area and whether they are building out to the expected potential or losing potential capacity.

Mr. Knuppel said that staff being able to use the data requires a strategy to ensure that they can sustain it in the future as far as from a staff capacity standpoint. He said they would ensure that the data is accessible to the public and that currently, a great deal of manual staff time is spent to clean, sort, and process data. He said they currently did not have an open data policy, but that some potential strategies could include looking at organizational data policies and providing staff support and resources to have staff capacity to continue to analyze, process, and apply the data in the future, as this was a concern.

Mr. Knuppel said staff had recommendations for future reporting and how they approach the next iteration of their annual report. He said in 2017 and 2019, staff put together the longer indicators

of a progress report that accompanied the Commission's annual report, which is required by the state code. He said this included the longer discussion of the metrics from the Comprehensive Plan and that staff did these two years apart. He said they would likely like to continue to do this again in 2021, noting that they were not yet at a point where they could do this on a yearly basis.

Mr. Knuppel said as staff looks to the next iterations of that report and of the residential capacity analysis, two years apart, they believe it would be prudent to dedicate some meeting time in 2020 to discuss the desired updates to the reporting framework to consider this in the work program and ensure that staff has the support to look at any updates to their methodology and to the indicators they are considering for the 2021 report.

Mr. Knuppel said in the meantime, staff will continue to conduct analyses and include as many performance management efforts in their ongoing plans as possible. He said they would make sure to do more analysis of capacity when looking at the County's Master Plans, come up with potential land use scenarios and then, in their plan recommendations, make sure they have ways to track implementation and the performance of the strategies.

Mr. Knuppel ended his presentation, stating that this was an overview of the staff report and an overview of the broad themes that staff had identified as potential findings, applications, and takeaways for how the report is used moving forward. He reminded the Commission that no action was required from it and that last time, the report was provided for information, they had a fruitful discussion from it, findings were presented, and should the Commission choose to make findings and communicate them, staff recommends considering the potential findings in Attachment B of the staff report.

Mr. Dotson asked what the next stop was for the report and if it was the Board of Supervisors.

Ms. Falkenstein said they did not yet have a date because they wanted to see what would happen with the Commission. She said ideally, they could get it to the Board in December and that typically, it is a Consent Agenda item for information with no action required from the Board.

Mr. Dotson said on page 12 of the report, under the heading, "Do We Have Room to Grow?" the second paragraph under "Redevelopment" talks about the economic filters used in the scenarios, which provide for limited redevelopment of existing commercial areas. He said a few lines later, it indicates that the potential for redevelopment is significantly underestimated in the analysis. He said before Mr. Knuppel had arrived that evening, the Commission had been discussing form-based code and, at least at the Commission level, they agreed to six-story structures, many of which will be residential above commercial or, in some cases, entirely residential. He said there was a lot of holding capacity in this area and was something they were working on.

Mr. Dotson asked, if looking at Neighborhoods 1 and 2, if the numbers in the report reflected an amount of redevelopment potential. He said from the earlier conversation, he had the impression that very little redevelopment was reflected in the numbers. He asked Mr. Knuppel could comment on how much redevelopment was reflected by the report in Neighborhoods 1 and 2 (the Small Area Plan area).

Mr. Knuppel replied that the economic filters used for Neighborhoods 1 and 2 were conservative and as mentioned, the methodology was found in the appendix. He said that for the properties that were assessed as commercial or industrial users, instead of several dwelling units on the parcel, staff used a property evaluation per square foot figure. He said staff had looked at the way

the Oregon Metro assessed the redevelopment potential and if the values of that property were below a certain threshold, it was considered eligible for redevelopment. He said the rationale for this was that if the property values are low enough, there could be an economic benefit by redeveloping the property.

Mr. Knuppel said staff calibrates the numbers mostly based on what had come through past capacity analyses as far as what they had identified as being able to be redeveloped, noting that there was not a strong methodology to this but rather, an eyeball test. He said staff tried to adjust the values they used based on market areas such as Neighborhoods 1 and 2 of the northern urban ring, Pantops, southern urban area, western urban ring, Hollymead, etc.

Mr. Knuppel said staff used a conservative estimate because they didn't have a chance to vet this externally. He said they also had a pro forma that was done as part of the Rio-29 Small Area Plan and looked at this to add additional context and get a feel for some of the land values in the area. He said the report does not capture the fact that in the Rio-29 area, several large landholdings there could be redeveloped and support housing. He said that because the threshold they used was conservative, it did not show many results for this. He said staff knew there was capacity that could be there, but that it was not counted in the report.

Mr. Dotson stated his opinion that the property value per square foot data that staff was using was current data, and the report was about 20 years in the future. He said hopefully, this would change and that redevelopment (or some of it) would take place. He said he would like for staff to discuss this again. He said that given what is being done with the form-based code, there should be some kind of "crosswalk" between the intensities the County is trying to achieve and the forecasts, which basically deny this as a possibility.

Mr. Dotson said the solution could be (since staff has the Comprehensive Plan, low, and high scenarios) that "low" would be deemed what they have now and "high" would be what it could be if the aspirations of the form-based code are achieved. He said he was troubled that the report did not reflect the work that was being currently done.

Ms. Riley asked Mr. Dotson to clarify exactly what his recommendation was. She asked if he was suggesting that on page 15, under the "Residential Capacity Estimate" table, the low-high under Pipeline Units and Full Buildout have some additional notation and/or numbers changed to reflect the densities that will be allowed under the new form-based code.

Mr. Dotson said that what he would like to see (perhaps under the "high" scenario under the Comprehensive Plan) would be some figure that anticipates perhaps not full development in 20 years, but at least some share of it that is a realistic expectation. He said his concern was that the filter that was used in the model is based on current data as if that same data will be true in 20 years. He said hopefully, it wouldn't be. He said this was a substantive request and comment and that he was not saying this needed to come back to the Commission, but that he hoped that staff would have a conversation on how to bridge between the two things they are working on simultaneously.

Ms. Spain commended Mr. Knuppel for his last point about creating the databases and how this requires extensive staff time and resources as in this case, staff is trying to institutionalize this type of reporting and data-gathering. She said this would be an important point to make to the Board of Supervisors because often, when people who aren't familiar with the data crunching see reports such as this, they have no idea at all about what is involved in producing it. She suggested

staff develop estimates of staff time required (hours spent, number of resources) to solidify his point.

Ms. Riley expressed her appreciation and excitement about the information being available. She said she generally agreed with Attachment B ("Report Findings and Recommendations) and that in addition to Ms. Spain's comments, it was important that the Board and the general public understand what goes into doing the data work and the resources that are necessary to support it.

Ms. Riley suggested adding an additional bullet under the last area regarding resources and, in this case, other applications, expressing that there should be an educational program associated with this. She said an obvious target group would be the CACs, but that the broader public should be invited. She said this kind of information and reflection back to the communities themselves needs consideration and needs to be identified as something that should be supported with resources.

Ms. Firehock said she really liked having the information and thanked staff for it. She said the maximum units approved, units built, and unbuilt units were included in Appendix B on pages 40-41. She expressed interest in seeing the number of units that the Comprehensive Plan says the County wants (e.g. in the future, a range of 6-36 units in an area), and the maximum of the Comp Plan designated areas compared to what is getting built.

Ms. Firehock offered Crozet as an example, where someone would say that a higher density should be approved because many develops are being built at a lower density than what the Comprehensive Plan envisioned. She asked if there was some way to add up the numbers, acknowledging that this could be cumbersome because there were so many ranges in the Comprehensive Plan.

Mr. Knuppel asked Ms. Firehock if she was referring to a number by land use designation.

Ms. Firehock replied yes and said that the Comprehensive Plan maps envision up to several units and that she would like to have it compared to how the County is doing. She said she was curious to track what the County said they wanted in the Comprehensive Plan and compare it to what is getting built. She asked if that data was included in the report or if it needed to be aggregated in some way or wasn't looked at.

Mr. Knuppel replied that he didn't believe staff looked at the numbers by specific land use designations. He said with their methodology, they looked at the information on a parcel-by-parcel basis, explaining that there are some parcels that have split land use designations, so they looked at each specific portion of the parcel and aggregated it back together. He said the output the report has is by each parcel as far as expected potential but that it was not a complete minimum/maximum that could happen on the parcel, but a mixed factor that looks at everything in the aggregate. He said it was not the same thing as the theoretical buildout of the parcel.

Mr. Knuppel said there was a field in the shaped file that would potentially be able to say what the primary land use category is, and that staff could potentially look at that. He said the report does not contain graphs about how the County is using each specific land use category.

Ms. Firehock said that when the Commission receives site plans that ask for more density, they are almost always looking at them in a vacuum. She said, for example, they recall that anecdotally,

they recall another project not being built out to full density, or they heard that a developer decided to switch to “by right” because it was too hard to go through the process to ask for the additional density. She said she wanted to find a way to get a snapshot of how the County is doing -- if they are overall, in the large game, failing to meet the density that the Comprehensive Plan, or if they are somewhere in the middle, or if it all averaged out.

Ms. Falkenstein responded that the report does not retroactively look at the properties but looks at unbuilt properties or properties that may redevelop. She said it sounded as if Ms. Firehock wanted staff to look back to determine what densities have been left on the table.

Ms. Firehock replied yes, suggesting that perhaps the information of what the County wanted versus where they arrived would be a different report.

Ms. Falkenstein agreed, stating this would be a different model and report, and if there was value in seeing this information, staff could investigate adding this into their overall data program as they become more sophisticated.

Ms. Firehock said she had a philosophical question to leave with staff. She said in thinking about all the developments that people ask the Commission to look at the Comprehensive Plan in order to increase their densities (all done one by one), she has repeatedly asked why the County cannot be rezoned to be the density that is wanted and allow everyone to move forward by right. She said in the past, the County wanted more proffers from developers. She said the proffer rules have changed and tighten, and that it was harder than ever to get those done.

Mr. Keller disagreed, stating they had loosened.

Ms. Firehock agreed that they had loosened some, but in terms of getting what the County wants, it was not predictable. She said she felt like the County didn’t want to go through this for a number of reasons, but if they went through the Herculean effort to rezone the County to what they wanted to see happen in terms of density and created standards that got the type of quality development that they wanted, the question was whether that effort would have actually reduced time for staff overall rather than doing piecemeal rezonings. She said this was not something she expected an answer to, but that this was her “annual soapbox” about the way the County was going about the zoning.

Ms. More expressed her appreciation to the adjustment made to the report to consider Crozet and Old Trail. She said the report was very confusing to her because the Old Trail numbers had seemed low and that she finally figured out that Old Trail Village does not consider Lower and Upper Ballard and Creekside. She said this was all considered by the community as part of Old Trail but that it was not part of their rezoning and is not part of the numbers that are left remaining in the pipeline but was built by right.

Ms. More said she wanted to make sure that they have 250 in Lower and Upper Ballard, 100 in Creekside still building, and that the Lodge units are still captured in the estimated current units. She said she assumed there was a discrepancy of that they have 450 built in Old Trail Village, which is subject to the rezoning, and the 2,200 assumption at buildout. She said she assumed that they were building units faster than staff can make charts for the Commission and that this was why the discrepancy was there. She said she and staff exchanged emails about Old Trail having 450 built, 350 under active development, and a predicted additional 400 units. She asked if this was the adjustment staff made to the report.

Mr. Knuppel replied that the primary adjustment made was adding the second estimate that took the 1,000 units out of the pipeline and that instead of a 2,200-unit buildout, it was a 1,200-unit buildout. He said Lower/Upper Ballard and the Lodge are counted in the current population and current units, so staff was really looking at the increment of what could be built above.

Mr. Knuppel said as far as the number staff used for the units remaining for Old Trail, the units-built figure that is used throughout the County comes from the building permit and Certificate of Occupancy data. He said it was mapped out throughout the County of where a CO has been granted or issued. He said they received a different number from this, and that they knew their building permit was as of July 1. He said he went back the dates and COs to make sure the status was correct in County View. He said there was a discrepancy there but ultimately, the report is still looking at what would be built and that it would get captured, even if the units are further ahead of where the report's number might be. He said the result is that the buildout is the same.

Ms. More said she appreciated Mr. Knuppel's attention to this because it led her to answer a question she had always been confused by as far as the low number being thrown out, but when driving through the area, noticing many houses built. She said she now understands that even though the entire area is called Old Trail, there are two separate sections and therefore, there is more density than what it looks like on paper.

Mr. Keller said he had several points for staff to consider for the future. He said staff met the spirit of what the Commission asked for in terms of making the refinements. He thanked Mr. Benish for encouraging the effort to continue as it was very important. He said it was the kind of information that could easily be mined by people across political persuasions about what is going on in Albemarle County.

Mr. Keller said he was not attempting to get staff to make changes to the report and that staff had been great with limited resources in doing these types of extra projects. He said if the staff had an opportunity to build on the report, he had four requests to consider.

Mr. Keller said that with growth management, a major portion of it is keeping the rural areas rural. He said on pages 4 and 5 of the report, there is a paragraph and graph that shows this. He said it was known that the development in the rural area has been steady with perhaps a slightly downward trend. He said it would be good to have that information included at an appropriate place in the report, suggesting that it could be segregated out into rural areas, or could be another component that is discussed. He said it was important to see what the graph on page 5 is explaining about why the development area is growing in population in a faster rate than the rural areas.

Mr. Keller said his second point was about impact and that this had been discussed before, with the figures being plenty, at best. He said he had mentioned the FEAC and what was being done with this in the past, and that there was a figure for what the carrying capacity of a housing unit in the County is to support its taxes. He said this was in the \$620,000 range. He said that this was something that warrants being included in the report because when talking about what the cost of a house was in some year in the past and what it is today, people who are big advocates of growth need to see that there is another side to this in terms of taxes. He said they do not get into the taxes because it was not in this realm but that it was still important because it relates to impact and therefore, to growth management.

Mr. Keller said his third point was that once the County has the affordable housing data, and because Ms. Pethia assures the Commission that there will be some kind of figure and some collection of it (either through the regional study or what would happen in the County by querying the assessed tax value of houses), they would have at least a simple figure of units assessed under the percentage of AMI used. He said this would enable the County to say that they have so many units of affordable housing in the development areas and rural areas currently and that this was a more important benchmark needed to measure the addition of affordable housing units.

Mr. Keller said if the County has houses that are in these price ranges being flipped and going out of those price ranges, they will experience a net loss of affordable housing that they need to be aware of.

Mr. Keller said his fourth point was around problems with residents commuting to work, notably in the 250-East area, and the amount of time they are held up in traffic. He said the County, with VDOT as a partner, is attempting in many areas in many ways to have infrastructure improvements. He said that it seemed as though a chart or line item that goes with each of the development areas that shows what the infrastructure support has been in the a given year for those areas would be helpful.

Mr. Keller said there was a lot of competition amongst the various areas as to whether they are getting their fair share of dollars for those kinds of infrastructure improvements, whether they be transportation, greenspace, etc. He said this was part of growth management because it helps the Commission see trends, perhaps even in the future, for where they are more likely or less likely to see more development.

Mr. Keller concluded his points, noting that this was not to try to hold up the current reporting effort. He said staff had made significant improvements to what the Commission had seen before and that he hoped that each year, there could be further improvements.

Mr. Dotson said it was interesting that Mr. Knuppel had lamented that it takes an entire hour to run the model. He compared this to doing the entire report by hand over the course of a year. He said the model was a substantial improvement that gives lots of possibilities for the future, including using the information for many of the tasks identified in Appendix B.

Ms. Falkenstein asked that when staff sends the report to the Board of Supervisors, if the Commission would like them to include Attachment B (the findings), or if they should just send the report.

Mr. Dotson said that they would be staff's findings.

Adjournment

At 9:03 p.m., the Commission adjourned to November 19, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Chief of Planning

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

Approved	by	Planning
Commission		
Date:	12/03/2019	
Initials:	CSS	