

**FINAL ACTIONS**  
**Planning Commission Meeting of February 12, 2019**

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. <b>Call to Order.</b></p> <ul style="list-style-type: none"> <li>• Meeting called to order at 6:00 p.m. by the Chair Keller.</li> <li>• PC members present were Mr. Dotson, Chair Keller, Vice-Chair Bivins, Ms. Spain, Ms. Riley, Ms. Firehock and Mr. Carrazana (UVA Rep). Absent was Ms. More.</li> <li>• Staff members present were David Hannah, Bart Svoboda, Lea Brumfield, Amelia McCulley, Andrew Gast-Bray, Sharon Taylor and Andy Herrick.</li> </ul>	
<p>2. <b>Other Matters Not on the Agenda from the Public</b> None</p>	<p><u>Clerk:</u> No action required</p>
<p>3. <b>Public Hearings</b>  <u>CPA-2018-00006 Birdwood Mansion and Grounds</u>  The Albemarle County Planning Commission conducted a public hearing to discuss proposed amendments to portions of the Southern and Western Urban Neighborhoods Master Plan. The proposed amendments involve sections of the Plan which directly relate to the Birdwood property (identified as Tax Map Parcel #07500-00-00-06300), including the “Future Land Use” section and the “Other Areas of Importance” subsection. This Comp Plan Amendment process follows the recent completion of the Birdwood Area B Study, which was formally endorsed by the Planning and Coordination Council (PACC) on September 20, 2018.  (Tim Padalino)  <b>RECOMMEND APPROVAL</b>, by a vote of (6:0) (More absent) of CPA-2018-00006 Birdwood Mansion and Grounds to the Board of Supervisors for adoption of the proposed CPA language to the “Existing Land Use” and “Future Land Use – Other Areas of Importance” sections of the Southern and Western Urban Neighborhoods Master Plan,</p>	<p><u>Clerk:</u> This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.</p> <p><u>Staff:</u> Action Letter – Recommendation as noted in the actions.</p>

<p>as contained in Attachment F of the staff report.</p>	
<p>4a. <b><u>Work Sessions</u></b>  <b><u>CPA-2018-00007 Biodiversity Action Plan</u></b>  County staff is proposing a final draft of revisions to the Natural Resources chapter of the Comprehensive Plan. The final draft incorporates comments made during the 11/20/18 work session with the Planning Commission and a public meeting held on 11/29/18. The revisions and proposed new strategies address biodiversity and information contained in the Biodiversity Action Plan for Albemarle County, completed in June 2018. Staff will review and discuss the proposed final draft.  (David Hannah)  <b>RECEIVED:</b> Discussed presentation on final draft update of draft amendments to the CPA-2018-00007 Biodiversity Action Plan with public comment. The Commission provided guidance and feedback as provided in Attachment 2. No formal action. (See minutes for detail.)</p>	<p><u>Staff:</u> Continue process on CPA-2018-0007 Biodiversity Action Plan and schedule public hearing in future and bring back final draft with recommended changes.</p>
<p>4b. <b><u>WORK SESSION</u></b>  <b><u>ZTA-2017-00001 Homestay/Transient Lodging (Short Term Rentals)</u></b>  Work session held to review potential zoning ordinance changes to transient lodging regulations (now called homestays) public input and provide feedback on several discussion items.  (Bart Svoboda)  <b>RECEIVED:</b> Discussed presentation on update of draft amendments to the ZTA-2017-00001 Homestay/Transient Lodging (Short Term Rentals) with public comment. The Commission provided guidance and feedback on the three aspects of the regulations that staff asked for Commission input on 1) special exceptions, 2) emergency contact/responsible agent and 3) grandfathering questions as provided in Attachment 3. No formal action. (See minutes for details.)</p>	<p><u>Staff:</u> Continue process on Homestay/Transient Lodging (Short Term Rentals) taking into consideration comments received, make changes to draft ordinance and schedule public hearing with Planning Commission and Board of Supervisors with the dates to be determined.</p>
<p>5. <b><u>Committee Reports</u></b></p>	

<p><b><u>Pam Riley reported:</u></b>  - The Village of Rivanna CAC held bi-monthly meeting in conjunction with the Glenmore Community Association with focus primarily on the Rt. 250 traffic concern and potential road improvements.</p>	
<p>6. <b>Review of Board of Supervisors Meeting –</b>  February 6, 2019.  Mr. Gast-Bray reviewed the actions taken on above date.</p>	<p><u>Staff:</u>  Request for copy of final work plan.</p>
<p>7. <b>Old Business</b></p> <ul style="list-style-type: none"> <li>• Retirement of Sharon Taylor – February 27 ceremony.</li> </ul>	
<p>7. <b>New Business</b></p> <p><b>a. Discussion on how we transcribe our meetings.</b></p> <p>Discussion on transition and minutes and input received from Commissioners, members of the public and staff. (See minutes for detail.)</p> <p><b><u>Mr. Keller announced:</u></b></p> <ul style="list-style-type: none"> <li>• There is no meeting scheduled for Tuesday, February 19, 2019 and February 26, 2019.</li> </ul>	<p><u>Staff:</u>  Follow-up on suggestions.</p>
<p>8. <b>Items for follow-up</b>  None</p>	
<p>9. Adjourn to March 5, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> <li>• The meeting adjourned at 9:11 p.m.</li> </ul>	

**ATTACHMENT 1 – CPA-2018-00006 Birdwood Mansion and Grounds – Planning Commission Recommendations**

**ATTACHMENT 2 – CPA-2018-00007 Biodiversity Action Plan – Planning Commission Recommendations**

**ATTACHMENT 3 – ZTA-2017-00001 Homestay/Transient Lodging (Short Term Rentals) – Planning Commission Recommendations**

**ATTACHMENT 1 –**

**CPA-2018-00006 Birdwood Mansion and Grounds – Planning Commission Recommendations**

The Planning Commission recommend to the Board of Supervisors adoption of the proposed CPA language to the “Existing Land Use” and “Future Land Use – Other Areas of Importance” sections of the Southern and Western Urban Neighborhoods Master Plan, as contained in Attachment F of the staff report.

**ATTACHMENT 2 – CPA-2018-00007 Biodiversity Action Plan – Planning Commission Recommendations**

The Planning Commission held a work session on CPA-2018-00007 Biodiversity Action Plan to provide comments on the final draft before presentation to the Board of Supervisors that included staff recommendation that the new strategy proposed by Commissioner Firehock on urban suburban forests be added to the Comprehensive Plan.

The Planning Commission discussed the draft, took public comment, was comfortable with the draft with suggested changes to be considered:

From the public comments (in red), suggested ways to address comment regarding James and other rivers, restoration and private ownership. Suggest mentioning the James, Rockfish, Mechums etc. Please feel free to adjust wording for clarity:

**Including major river corridors is a key point:**

Rivers, wetlands and other water features provide important areas for survival of native flora and fauna. They also form key connectors that aquatic species, birds, and other wildlife use to traverse the landscape. Thus, protection of riparian (stream-side vegetated areas) and wetlands are critical to supporting a healthy and functioning ecosystem and good water quality.

**Restoration is another important goal to espouse:**

Areas that have been heavily disturbed or impaired can often be restored to healthy ecological functioning.

**Private ownership:**

As most of the county's land is in private ownership, realization of many of these strategies necessitates strong community-based stewardship for the county's natural resources.

Encourage use of locally native plants.

Avoid a one size fits all project kind of approach and while a numerical target – at the same time put in context projects that have multiple goals.

Education important on implementation biodiversity plan. Suggestion that figure 4 illustration (graphic) be looked at to make sure not missing something – teaching citizens such as through homeowner associations about what experiencing such as deer, backyard wildlife, etc.

In objective 4 narrative before strategy 4a like to see paragraph that gives brief education about how that issue fits into the context of this plan.

**ATTACHMENT 3 – ZTA-2017-00001 Homestay/Transient Lodging (Short Term Rentals) – Planning Commission Recommendations**

The Planning Commission held a work session and provided comments and suggestions on staff's recommendation on the following items:

**1) Special Exceptions:** A special exception process is recommended to waive or modify certain homestay regulations in circumstances where there are no detrimental impacts to adjoining properties, or adjoining properties that are under the same ownership. This would be similar to the provision that already exists in the ordinance for setbacks and is a common provision for supplemental regulations in the ordinance that is subject to approval by the Board. The following items should be considered eligible for a special exception:

- a) Allow more than 2 guest rooms in residential and smaller RA lots (maximum of 5 guest rooms permitted)
- b) Allow reduction to 125-foot setback from any abutting lot not under the same ownership as the homestay for parking and primary or accessory uses and structures used in whole or in part to serve a homestay in the Rural Areas
- c) Use of an accessory structure in the Rural Areas

Staff recommends consistency with similar special exception provisions of the ordinance, including existing language for special exceptions for bed and breakfast setbacks and language used in the farm winery, brewery, distillery regulations and family day homes. Staff recommends that a special exception to modify the regulations listed above (a-c) only be granted upon a consideration of the following:

- i.
  - o substantial detriment
- ii.
  - o harm to public, health, safety, or welfare
- iii.
  - o notice to abutting property owners shall be provided and any objections from abutting owners considered when acting on a special exception

**2) Emergency Contact/Responsible Agent:** The current draft of the homestay ordinance includes a provision that homestay operators provide notice to abutting property owners (below).

*Notice: The owner of a parcel conducting a homestay use shall provide the owner or manager's name, telephone number, and emergency contact information to abutting property owners on an annual basis. The owner shall retain a copy of such notice and provide a copy to the Zoning Administrator on an annual basis.*

Based on Board direction and review of similar provisions in other localities, staff recommends this provision be expanded to clarify responsibilities of an emergency contact to include:

- Available 24 hours per day, seven days per week to respond to complaints
- Emergency contact shall respond to a complaint within 60 minutes of receiving notice of such complaint

A responsive responsible party can more directly address issues as they arise, often without involving County intervention. This is especially important since home stays include night and weekend activity.

**3) Grandfathering** - At the roundtable and in comments received, stakeholders have emphasized the importance of grandfathering existing establishments from the change in regulation. This is consistent with the County's practice in prior zoning text amendments affecting farm wineries, breweries, and distilleries. While most of these establishments would be legally nonconforming and could continue their operations as they were prior to adoption of new regulations, grandfathering more explicitly allows them to continue the use. It also avoids the restrictions and difficult interpretations that arise when a nonconforming use seeks to obtain a building permit.

Based on the stakeholder feedback, staff recommends the following grandfathering provision for homestays:

- ny homestay use established and properly licensed (legally in existence) before the adoption of the ordinance would be subject to its existing approval.

However, even grandfathered homestay establishments may be subject to the annual registry if it is a Finance code requirement.

**(See the minutes for details.)**