

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF MARCH, NINETEEN HUNDRED AND NINETY-NINE AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. <u>ROLL CALL</u> Martin Garrett, Chair John Hagee Don Hunt Wilford Kale Willafay McKenna* A. Joe Poole, III | <u>ALSO PRESENT</u> John T. P. Horne, Development Manager O. Marvin Sowers, Planning Director Leo Rogers, Deputy County Attorney Don Davis, Principal Planner Tammy Rosario, Senior Planner Paul Holt, Senior Planner |
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*Willafay McKenna arrived during Item #5.

2. MINUTES

John Hagee had a few changes to the minutes, which were distributed to the Planning Commission members prior to the meeting. Upon a motion by Joe Poole, seconded by Wilford Kale, the minutes of the February 1, 1999 meeting were approved, as amended, by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Martin Garrett stated there were two DRC reports. One from February 24 and one from January 6. He stated there was nothing unusual about any of the cases but one case was postponed because the applicant was unable to attend. That case was heard prior to the February 1 meeting. He asked the Commission if they had any questions or comments. Martin Garrett recommended approval, seconded by Joe Poole. By unanimous voice vote, motion for approval of both DRC reports passed.

4. CASE NO. AFD-11-86. YARMOUTH AGRICULTURAL AND FORESTAL DISTRICT/VERMILLION ADDITION.

Paul Holt presented the staff report for the addition of 749 acres, owned by Mr. T. R. Vermillion, to the existing Yarmouth Agricultural and Forestal District. Staff found the proposed addition was consistent with the surrounding properties, zoning, and Comprehensive Plan. Staff recommended approval as did the AFD Advisory Committee at their February 17 meeting by a vote of 6-0.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

John Hagee made a motion, seconded by Don Hunt, to recommend approval of this application. In a roll call vote, motion passed (5-0). AYE: Hunt, Hagee, Kale, Poole, Garrett (5); NAY: (0).

5. CAPITAL IMPROVEMENTS PROGRAM.

Paul Holt presented the report stating that, after a series of meetings to discuss and rank Capital Improvements Program request, the Policy Committee, along with staff, was forwarding their recommendation for Fiscal Year 2000 through 2004. For certain projects, the committee made specific recommendations which appear in the project descriptions and are highlighted in bold italics. The Committee and staff recommend that the Planning Commission approve the rankings as presented in the staff report.

John Hagee asked if the County had utilized any funds for the Open Space Acquisition.

Paul Holt stated that presently the funds were being used to help pay off Mainland Farm.

John Hagee asked what the cost was for the purchase of Mainland Farm.

John Horne stated the acquisition of the property cost a little over \$2,000,000 which would be returned through the Williamsburg Land Conservancy.

John Hagee asked if there were any reasons why the funding hadn't been used.

John Horne stated the Board of Supervisors had approved a list of about ten high priority parcels and they are in various stages of negotiations with several of the property owners.

John Hagee also asked why, with an average of 12-15 missions, the Fire Department boat was such a low priority.

Paul Holt stated the Fire Department did have other resources. He said they would like to have their own boat in order to decrease response time. He stated the reason for the low priority came from a numerical ranking as outlined in the staff report.

Wilford Kale stated the Marine Resources Commission and Game and Inland Fisheries have boats in the area of the County almost all the time. He stated that during the accident last spring both agencies were at the site for search and rescue.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Martin Garrett, to recommend approval of the Capital Improvement Program. In a roll call vote, motion passed (6-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

6. CASE NO. ZO-2-99. NONCONFORMITIES.

Paul Holt presented the staff report stating the ordinance had been reviewed by the Grab Bag Update Committee. Their recommendation was to reformat the entire article by regrouping "like" requirements, improve readability, and eliminate redundant language. They also proposed the addition of a new section as outlined in the staff report. Staff concurred with these changes and recommended the Planning Commission recommend approval.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (6-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

7. CASE NO. ZO-3-99. ADMINISTRATIVE VARIANCES.

Paul Holt presented the staff report stating this ordinance had been reviewed by the Grab Bag Update Committee who recommended, as provided for in State Code, that the ordinance be amended such that the Zoning Administrator, under certain circumstances, could grant certain types of variances administratively. Staff concurred and recommended the Planning Commission recommend approval.

Joe Poole asked what determined the recommended variance threshold of 1-1/2 feet.

Paul Holt said staff checked with other localities to see what their requirements were and made a determination from that information.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Joe Poole, to recommend approval of Case No. ZO-3-99. In a roll call vote, motion passed (6-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

8. CASE NO. ZO-5-99. ADMINISTRATIVE FEES.

Paul Holt presented the staff report on behalf the of Grab Bag Update Committee who reviewed the ordinance. He stated the proposed change under Case No. ZO-3-99, Administrative Variances, would establish a new procedure of administratively reviewing variance requests, which would involve notifying all adjacent property owners during the process. To assist in recovering costs associated with the proposed procedure, the committee recommended amending the ordinance to require a \$100 application fee. Staff concurred and recommended the Planning Commission recommend approval of this ordinance.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Joe Poole, to recommend approval of the Zoning Ordinance amendment. In a roll call vote, motion passed (6-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

9. CASE NO. ZO-4-99. CRITERIA FOR REVIEW.

Paul Holt presented the staff report for the Criteria for Review, which outlined the conditions in which any proposed site plan must be reviewed by the Development Review Committee. The Grab Bag Update Committee reviewed this ordinance and recommended the ordinance be reformatted for clarity as outlined in the staff report. Staff concurred and recommended the Planning Commission recommend approval.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by John Hagee, to recommend approval of the Zoning Ordinance amendment. In a roll call vote, motion passed (6-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

Wilford Kale asked Paul Holt to clarify the difference between the sheet that was handed to the Commission before the meeting and the one that appeared in the staff report.

Paul Holt stated the material in the staff report was an older version of the review fees and the one handed out to the Commission tonight were the current fees adopted by the Board of Supervisors.

10. CASE NOS. ZO-5-98. RESIDENTIAL CLUSTER OVERLAY DISTRICT; ZO-13-98. R-1/LIMITED RESIDENTIAL DISTRICT; AND ZO-14-98. R-2/GENERAL RESIDENTIAL DISTRICT.

Tammy Rosario presented the staff report stating that, for over a year, the Residential Zoning Committee has met to discuss the revisions to the residential zoning districts. The three districts presented

tonight were R-1, R-2, and the Residential Cluster Overlay District. She stated that despite the differences between staff and the committee on certain items, they were able to come to consensus on three goals for these ordinances: first, to incorporate the broad ideas, goals, and objective of the Comprehensive Plan; second, to increase the quality of development coming out of these districts; and third, to improve the functionality of the ordinances in terms of predictability and user-friendliness. She said that due to these shared goals, both staff and the committee agreed upon a great majority of the ordinances changes, but there were a few significant disagreements. Therefore, the Commission was given two versions of each ordinance, staff's and the committee's. She stated Martin Garrett, Chairman of the Residential Committee, would go over points agreed upon and then points disagreed upon, with emphasis as to why the committee came to their conclusions.

Martin Garrett thanked the members of the committee and staff for many long hours that they met. He presented the proposed changes for R-1, R-2, and Cluster Overlay Districts that were agreed upon by both the committee and staff. He stated most of the committee members and staff would agree that there were substantial changes in the zoning ordinance that would enhance the ambiance and character of the County for a long time to come. He said currently there were no buffer requirements for developments, only landscape and setbacks, and that major changes were made. It would now be mandatory for all major subdivisions, permitted or specially permitted, in R-1, R-2 and Cluster Overlay District to have buffer areas as outlined in the staff report.

John Hagee said it was his understanding that the buffer requirements for non-community character corridor roads were 75'.

Martin Garrett stated it was at one time, but had been changed.

Tammy Rosario stated that when the committee and staff last met, there was a discussion of last minute legal issues related to the buffers. She said there needed to be some changes made to bring the landscape and buffer requirements more in line with the Comprehensive Plan and more legally enforceable. Staff concluded that 50' came more in line with what the Comprehensive Plan called for. That changed was made in both the committee and staff versions.

John Hagee said the discussion he remembered at the last meeting addressed the problem of taking. He asked Tammy if that was not the issue and was staff not supposed to get back to the committee with a recommendation. He thought 50' buffer was only in situations where the land was of a size that a 75' setback would be excessive.

Tammy Rosario said the taking issue was the major issue that needed to be resolved before the Planning Commission meeting. She stated provisions were made for a sliding scale if a lot was at a certain depth or less than a certain depth. This was another area in which the recommendation needed to be more in line with the Comprehensive Plan and more legally enforceable.

John Hagee asked what was stated in the Comprehensive Plan relative to 50' buffers.

Tammy Rosario said there was not a lot of language in the Comprehensive Plan related to buffers in non-community character corridors and that was part of the issue. There certainly was discussion of buffering residential developments from the road in general terms for all development. Only along community character corridors did it call for 150'. Staff was left with no specific numerical requirement on non-community character corridors. Therefore, the 50' mark was deemed most in line with our policy.

Martin Garrett stated that, after discussing with Tammy Rosario the issues of the last meeting, which he was unable to attend, he sent out to the committee members what he considered were the results of that meeting. He said he received comments from only one committee member.

Martin Garrett continued his presentation stating a section was added to all three districts regarding BMPs, which would require them to be designed in accordance with the Landscape Ordinance. A statement was also added for the open space section to clarify that no part of a private yard shall be counted as meeting open space requirements. The exception would be for parts of yards used for street scape easements. He said there were many editorial changes to update and standardize the language. There were three new definitions added: Affordable Housing, Arterial Streets, and Neighborhood Resource Centers as found in the staff report. He reviewed the changes for R-1 and R-2 which included open space and overall density, then for the cluster overlay, as outlined in the staff report. He said it was up to the Commission to determine which set of changes they wanted to recommend for approval.

Martin Garrett told the Commission that he would now give the committee's reasons for their changes and Tammy Rosario would give the staff's reasons for their changes. Then, he would open the public hearing for comments, close the public hearing, and then the Commission could debate and vote.

At the conclusion of Martin Garrett's presentation, Tammy Rosario handed out a voting sheet with a summary of the points in which the committee and staff differ. She then gave her presentation on the staff reasoning for their changes, which were outlined in the staff report. She concluded her presentation by pointing out that the Commission had six ordinances before them and there were some changes, corrections, and adjustments which needed to be made between now and the Board of Supervisors meeting. She stated she would be happy to answer any questions of the Commission.

Joe Poole asked how many vacant acres were presently zoned R-1 and R-2.

Tammy Rosario stated approximately 400 acres of vacant areas were R-1 and R-2.

John Hagee asked what percentage of that acreage was zoned R-2.

Tammy Rosario stated approximately two-thirds of the acreage was R-2.

Don Davis explained the purpose and use of the "Points of Difference" sheet stating, before the Commission made their recommendation, they needed to review the sheet to determine which of the two versions they agreed with more. At the conclusion of the public hearing, the Commission would go through and orally vote on each of the issues.

John Hagee commented that staff was discounting the Commissioners possibly having a problem with any of the items in which the committee and staff agreed upon.

Don Davis suggested their items could be added and voted upon independently.

Martin Garrett opened the public hearing.

George Wright, president of the Historic Route Five Association (HR5A), commended the staff and committee on their efforts to review the current ordinances. He handed out a statement covering six topics of particular interest to the HR5A: density, clusters, buffering, open space, waiver/bonuses, older plans. He stated that HR5A was concerned whether the present infrastructure could support additional development and requested that the Commission include an Infrastructure Adequacy Test as part of the

ordinance.

Joe Poole asked Leo Rogers about the legality of addressing older, approved plans that George Wright had mentioned.

Leo Rogers stated if the plan was implemented within five years of the approval date, the applicant would have a vested right to see the plan to completion.

Keith Nowaldly of 4702 Wood Violet Lane asked the Commission, with an inventory of almost 20,000 approved lots, how was James City County planning to manage its growth and budgeting for schools, roads, water, and other services. He commended the staff and committee for their work to date but felt these amendments should go further. He asked why the Adequate Public Facility Test did not come up commensurate with these residential ordinances. He commented on the changes regarding density in R-1 and R-2, gross acreage, and buffers and concluded by saying he was in support of staff's version of the buffer amendment and open space calculation.

Joe Terrell spoke stating, with the present proposal, there would be no affordable housing and felt the County could be discriminating against almost 50% of the citizens. He was in support of the committee's version of the ordinance but preferred the existing one even more. He strongly felt there should be something in the ordinance referring to affordable housing.

There being no further speakers, the public hearing was closed.

Martin Garrett stated the job of the Commission was based on land use and they should act on what they had before them. He stated he would make a motion. If he did not get a second, that motion would fail. If he got a second, the motion would then be discussed. He said when his motions were completed, if any other Commission member wanted to make a motion, it would be discussed. He asked the Commission if they concurred with what appeared in the report where both staff and committee were in agreement.

John Hagee stated his only concern was the 75' buffer being changed to 50'.

Willafay McKenna had some concern regarding the statement by Joe Terrell on affordable housing. She asked whether the ordinance would commit affordable housing only to cluster development and would that cause cluster development to become affordable housing and nothing more. She wasn't sure if what would be voted on tonight would address affordable housing.

John Hagee asked what were her main issues.

Willafay McKenna stated they were density bonuses and how they applied to affordable housing when it was recommended that a superior design be implemented. How can one equate that as a criterion when developing affordable housing and who would make that determination. She agreed with Joe Terrell that affordable housing was a big question in the community. She was not sure if the ordinance was looked at in a way that balanced out the interest that everyone in this community could accept: citizens looking for affordable housing, developers who wanted to use their sites, and those who look to see how the community would function and look like in the future.

John Hagee said that, during the committee's meetings, the affordable housing discussion was very perplexing. He said Vaughn Poller, who is directly involved with affordable housing for JCC and a committee member, was very informative regarding this issue. The committee took his comments into

consideration. He suggested that possibly a special committee might be formed to handle the issue.

Willafay McKenna's concern was if this was voted on and went forward to the Board without full consideration to affordable housing, it might be too late.

Martin Garrett stated there weren't lower priced homes in the community because this was a relatively young community. He said James City County was just now reaching the stage where there were some 30 to 40 year old housing developments whose prices were within the affordable housing price range. He felt we would be doing the community a disservice if they went out of their way with density bonuses to provide for affordable housing.

John Hagee responded to Willafay McKenna's comments for R-1 and the one acre minimum lot size for controlling growth. He stated when the committee looked at this, they were aware there wasn't a lot of land zoned for residential. He said the committee looked at subdivisions which they felt were desirable, i.e., Windsor Forest, and all the committee tried to do was lay out the template for preservation of open space, setbacks, buffers, and recreation for the development knowing if the Commission wanted to get into controlling growth, there would be plenty of opportunity to make those decisions, at the time an applicant comes forward for rezoning.

Martin Garrett stated that the County was trying to contain the growth within the PSA without having to expand it prematurely.

John Hagee asked staff why they dropped back from 75' to 50' for right-of-way buffers in non-community character corridors.

Tammy Rosario said there were a number of discussions that occurred about buffers at the last minute. One did involve changing it to 50' on non-community character corridors. She confirmed that what was provided in the new buffer requirements attachment that did state 75' along non-community character corridors. She said staff would be willing to go along with that.

OPEN SPACE CALCULATIONS

Martin Garrett made a motion, seconded by John Hagee, that they adopt the committee's recommendation for calculating open space.

Willafay McKenna felt that the open space would be greater if they took the definition offered by staff.

John Hagee said the committee went through this in various scenarios and there were a lot of factors and assumptions that went into it. He asked Willafay McKenna what was it about the open space that she disagreed upon.

Willafay McKenna said she looked at the bottom line and the number of lots that would be buildable by the time the formulas were applied as opposed to the number of acres of open space given in each of the scenarios. Her preference was to maintain the open space which falls under the staff's version.

Martin Garrett stated that was right, as long as you had undevelopable land within the PSA. The committee's thinking was, if you wanted the development in the PSA, let there be greater density within the development area.

Joe Poole said he could not support the motion as it stood. He was not comfortable with the fact that, down the road, they might be forced to expand the PSA, but felt it was important because, during the Comprehensive Plan, there was a desire by the citizens to maintain some open space within the PSA. He added he was not comfortable with using the gross area.

Don Hunt felt the open space requirements were too much of a penalty on the property owner.

Martin Garrett restated the motion that they adopt the committee's version for open space. Martin Garrett, Don Hunt, and John Hagee voted in favor of the committee's recommendation. Wilford Kale, Willafay McKenna, and Joe Poole, voted in favor of staff. **The vote was tied 3-3 for open space.**

BUFFER REQUIREMENTS

Martin Garrett asked Tammy Rosario to summarize the buffer requirements.

Tammy Rosario stated the first issue was whether they wanted to permit temporary soil stockpiles on community character corridors at the discretion of the Planning Commission (the committee's version) or to allow them only in instances in which they would be converted into berms (staff's version). Regarding entrance roads, the committee had no regulations for review of entrance roads, signage, pedestrian or bicycle paths through the buffers. Staff preferred that these items go before the Development Review Committee and Planning Commission for approval.

Wilford Kale asked if this had been discussed by the committee.

Tammy Rosario stated the temporary soil stockpile issue had been discussed and the committee did not support staff's recommendation but did not take a position on the other regulations. The committee felt that what they had was sufficient.

Joe Poole asked if VDOT would allow the County authority to determine where an entrance should be into a subdivision.

Tammy Rosario stated the intent would be to take what VDOT was mandating for the entrance road and not to try to go above and beyond their standards. There may be situation when there was an entrance road which was wider than necessary due to a median.

Joe Poole stated that, as the Commission approved cases, he was frequently surprised by the VDOT ramifications on buffers and roads.

Martin Garrett stated that for temporary soil stockpiles and structural BMP's he would vote for the committee's recommendation. For the entrance road regulations he would vote for staff's recommendation. John Hagee, Willafay McKenna, Joe Poole, Wilford Kale, and Don Hunt also voted for the committee's version for temporary soil stockpiles and structural BMP's. They voted for staff's version on the entrance road regulations.

Marvin Sowers calculated the vote from the above responses by the Commission members: **temporary soils stockpiles for the committee's recommendation 6-0, structural BMP's for committee's recommendation 6-0, and for the entrance road regulations for the staff's recommendation 6-0.**

R-1 DENSITY FOR CONVENTIONAL DEVELOPMENT

Martin Garrett stated he liked SUP's and made a motion to recommend approval of staff's recommendation to allow densities up to two dwelling units per acre in R-1 with an SUP.

After some discussion, Tammy Rosario suggested the Commission first vote on the density issue, then on which standards they felt would be appropriate if an SUP were allowed.

Tammy Rosario stated staff's intention, by allowing R-1 to go up to 2 dwelling units per acre with an SUP, was to continue to allow the type of R-1 conventional developments the Residential Committee mentioned as good examples, including Settlers Mill, Kingspoint, and other similar R-1 developments.

Martin Garrett voted for staff's recommendation regarding density in R-1. Willafay McKenna, John Hagee, and Don Hunt also voted for staff's recommendation. Joe Poole voted for the committee's recommendation.

Wilford Kale asked what the density requirements for R-1 and R-2 were prior to the 1997 amendment.

Tammy Rosario stated that both R-1 and R-2 were around 2 dwelling units per acre.

Marvin Sowers asked if the Commission wanted to revisit the standards. He said staff's version of R-1 standards could be found on page 5.

Wilford Kale informed Marvin Sowers that he was in agreement with Joe Poole and voted for the committee's recommendation. **The vote for density in R-1 was 4-2 for staff's version.**

R-1 DENSITY STANDARDS FOR CONVENTIONAL DEVELOPMENTS

Martin Garrett stated he did not agree with the staff's version of R-1 density standards 4 and 5 (sidewalks and recreation) for standard developments.

Joe Poole was concerned about removing sidewalks and recreation facilities because it gave less leverage over an applicant when applying for an SUP. He wanted to make sure there were enough regulations so that they would get the quality development suggested in the Comprehensive Plan.

John Hagee felt they should look at the individual items and see if they agreed with them or not. He said with the implementation of street scape guidelines and looking at the type of subdivisions already in place, he felt items 4 and 5 weren't needed.

Joe Poole said that the idea of these standards was to have in writing what an applicant needed to have for approval of an SUP and he did not want to delete any specific thing.

John Hagee stated when the SUP's were being reviewed it would be a matter of do we need these standards, if we consider the significant buffers around it, and we feel we are getting quality development.

Willafay McKenna said that if R-1 was considered as the most exclusive zoning we have and we would allow someone to come in and double the number of units per acre, we should have some assurances. She agreed with Joe Poole.

Marvin Sowers commented on the street scape guidelines mentioning two existing R-1 developments between the 1 and 2 dwelling units per acre threshold that didn't have any trees along the

road or in the front yard as a result of the land development process. Primarily this was due to roadway right-of-way and utility clearing and shallow setbacks.

John Horne commented that the street scape guidelines were not impractical. The Commission may choose by policy not to do them. He asked that they look at the newer subdivisions that were going in at one and two dwelling units per acre. He said the ambiance was not like those of an older subdivision.

Joe Poole agreed that there may not be a need for sidewalks or recreation and he would agree to delete items 4 and 5 but nothing else.

Martin Garrett was in favor of the staff's version.

Willafay McKenna suggested they keep the sidewalks with the requirement that they may be waived by the Planning Commission and delete the remainder of the text of item 4 regarding sidewalks.

Martin Garrett also mentioned there could be some developments that instead of putting in a swimming pool, tennis court, or clubhouse facility they could utilize the land as a park or picnic area.

Willafay McKenna made a motion to accept staff's version of the standards as written with two exceptions. Standard 4 would eliminate the language following the words Planning Commission and standard 5 would eliminate, "in addition to any requirements. . . . Master Recreation Plan" and "may be provided in lieu of such a facility."

Martin Garrett agreed with Willafay's recommendation. Wilford Kale and Joe Poole also supported her recommendation. John Hagee and Don Hunt voted against the motion. **The vote was 4-2 for staff's version of the SUP standards in R-1 as amended by Willafay McKenna.**

R-2 DENSITY FOR CONVENTIONAL DEVELOPMENT

Martin Garrett recommended staff's version, to require SUP's for more than one dwelling unit per acre in R-2, with the standards as amended for R-1 for SUP's. Willafay McKenna, Joe Poole, and Wilford Kale voted for staff's version. John Hagee and Don Hunt voted for the committee's version. **The vote was 4-2 for staff's version with the amended standards for SUP's in R-2.**

CLUSTERS AS A USE IN R-1

Martin Garrett then recommended approval of the committee's version, which did not allow clusters in R-1. Don Hunt, Wilford Kale, John Hagee, Willafay McKenna and Joe Poole also voted for committee's version. **The vote was 6-0 for the committee's version for clusters in R-1.**

CLUSTERS AS A USE IN R-2

Martin Garrett recommended approval of the staff's version which allowed clusters over one dwelling unit per acre by SUP in R-2. Willafay McKenna, Joe Poole, Don Hunt, and Wilford Kale voted for staff's version. John Hagee voted for the committee's version which allowed clusters up to two dwelling units per acre by-right, and over two dwelling units per acre by SUP. **The vote was 5-1 in favor of staff's version.**

OTHER CHANGES TO USES IN R-1 AND R-2

Martin Garrett recommended staff's version for churches, schools, libraries, and fire stations to be SUP uses. Willafay McKenna, John Hagee, Joe Poole, Don Hunt, and Wilford Kale voted for staff's version. **The vote was 6-0 staff's version for churches, schools, libraries, and fire stations to be SUP uses in R-1 and R-2.**

CLUSTER DENSITY STANDARDS FOR LOW DENSITY RESIDENTIAL CLUSTERS: 1-2 DWELLING UNITS PER ACRE

Martin Garrett proceeded to clusters density standards. He asked Tammy Rosario for the comparison of specific standards between the committee and the staff version.

Tammy Rosario asked the Commission to refer to the attached chart and look at the first two columns which explained the differences between the staff's and committee's version for specific standards of cluster densities.

Discussion occurred on the differences between the committee's version and staff's version of density standards.

John Horne mentioned the standards referring to sidewalks and recreation. He said the Commission voted on density issues under the R-1 and R-2 provisions for standard development were ones they made but staff did not feel that language should be carried all though the ordinance where the Commission could waive or modify anything they wanted. He did not feel that would work well for the Commission or the ordinance itself. He suggested that if they wanted more discretion, he asked that they allow staff to work on some criteria with some Commission members before it goes before the Board.

Martin Garrett stated it was his understanding that there would be a work session with the Board before it was formally presented to them.

For Low Density Clusters for 1-2 dwelling units per acre the Commission decided to start standards at one dwelling unit per acre and to use the same standards they had approved for R-1 and R-2 with development with an SUP. **The vote was 5-1 with John Hagee voting against the motion.**

CLUSTER DENSITY STANDARDS FOR LOW DENSITY RESIDENTIAL CLUSTERS: 2-3 DWELLING UNITS PER ACRE

John Hagee asked if anyone wanted to waive standard 4 regarding sidewalks of the committee's version. He felt the Commission might want to adopt the revision recommended earlier where a park or picnic area could replace a swimming pool, tennis courts, etc. The committee felt when dealing with cluster, certain recreational needs might not be necessary especially if the development focused on retirees. He made a motion to remove standard 5 regarding recreation and replace it with the standard 5 of the R-1 staff's version.

Willafay McKenna stated she would like to see items 6 and 7 (connecting trails and curb and gutter) in the staff's version put into the committee's version. She also suggested deleting the words "or sidewalks on both side of internal streets" since sidewalks in item 4 were already addressed.

Willafay McKenna made a motion to adopt the committee's version with the modification of standard 5 and additions of staff's density standards 6 and 7 over the committee's standard 6 (preservation of woods). John Hagee seconded and in a voice vote the motion was unanimous 6-0. **The vote was 6-0 to adopt the committee's version of density standards for clusters 2-3 dwelling units per acre with the**

modification of staff's density standard 5 and additions of standards 6 and 7 over the committee's standard 6 (preservation of woods).

CLUSTER DENSITY STANDARDS FOR LOW DENSITY RESIDENTIAL CLUSTERS: 3-4 DWELLING UNITS PER ACRE

The next item under discussion was the density standards for low density clusters of 3 to 4 dwelling units per acre.

Wilford Kale asked if what was done in clusters earlier was 2 and over, then what we just did was 3 and over.

Marvin Sowers stated they just completed 2 to 3 and that 3 to 4 needs to be discussed. He stated they were basically the same with the exception of a couple of additions like group/shared parking in the committee's version and the bonus provisions in staff's version.

Tammy Rosario stated in staff's version, for density of 3 to 4 you would have to do standards 1 through 5 as you did for 2 to 3 dwelling units per acre but you also would have to do a density bonus item in which you have three choices.

Martin Garrett thought that they were trying to do away with density bonuses.

Tammy Rosario stated staff felt there were certain items that could not be required across the board but at the same time staff wanted to encourage them, such as affordable housing. Staff felt this was a good way to do it.

Wilford Kale asked for the definition of a superior layout and quality design as stated in bonus item 3.

Tammy Rosario stated there were two types: one with natural design features such as protection of wildlife corridors or buffers around RMA wetlands; the second way would be community features such as group/shared parking, interconnecting streets, or a mixture of unit types.

Willafay McKenna asked if the 0.2 and 0.5 dwelling unit bonus would apply to the 2 units or 3 units per acre.

Tammy Rosario stated staff felt the Commission could begin with 2 dwelling units per acre and go through the density bonus system and perhaps the Board or Commission might want to be able to waive number 6 or 7 (curb and gutter or the pedestrian bike trails). She stated if they did 100% affordable housing, that would be an extra two dwelling units per acre, for a maximum of 4 dwelling units per acre.

Martin Garrett asked if everyone was in agreement, except himself, on giving density bonuses to affordable housing.

John Hagee felt it wouldn't work and that it was too complex to come up with any conclusion at this time. He had no problem if the Commission wanted to encourage it.

Willafay McKenna said unless the developer were to develop 1,000 units, we would really not be advancing that quickly. She stated she did not like the concept as much as having these items as standards.

John Hagee asked if the density bonuses only applied to affordable housing.

Tammy Rosario stated the other bonuses (natural design features and community design features) would be for any type of development.

John Hagee asked if we had preservation of natural areas or wildlife corridors in any of the clusters that we now have.

Tammy Rosario asked the Commission to keep in mind that these are somewhat more subjective items. Preservation of a scenic vista would be left up to the developer to persuade the Board and Commission that they were preserving the vista and that it would be left up to the Board or Commission to agree that it was indeed a scenic vista. She said the creation of a RMA buffer around wetlands was a new category. Presently we do have an RPA buffer for wetlands.

Marvin Sowers stated that one of the things done by the Board in the Comprehensive Plan Update in 1997 was to add specific language in the low density residential designation in order to go beyond one unit per acre. Staff had tried to develop standards around those features the Board incorporated into the Plan's statement of intent. He stated staff concluded that they could not write them as absolute standards but could perhaps approach them through the density bonus provisions.

John Hagee asked, that based on staff's position of open space in terms of requiring 40% of the net developable acre, if someone were to use part of that 40% as a buffer around the RMA would they get that extra bonus.

Tammy Rosario said it would count as open space and it would also allow them to get a bonus.

Willafay McKenna asked why staff would want to give density bonus points for multiple entrance and exit points to the development when we spend so much time trying to cut down the number of entrances.

Tammy Rosario stated this would be in limited applications. It would be in instances where you could improve the safety issue. If one entrance to a development were blocked, the residents would have another way out. Perhaps it might not be on a main road, but through another subdivision, if everyone agreed to it or perhaps another entrance point onto a main road. She pointed out that staff was not mandating interconnecting subdivisions.

Marvin Sowers said neo-traditional subdivisions have a lot of grid streets rather than cul-de-sacs in order to disperse traffic and cut down volume on main entrances to the subdivision and that was another way to get a bonus under this provision.

John Hagee commented if we were to maintain open space percentages on the gross acreage, then the next step for those who want to do a quality design would be to get these extra density bonuses.

Joe Poole made a motion to defer, and continue this discussion in a work session with staff.

Marvin Sowers stated staff preferred to recess and having a special meeting in the next few days.

With concurrence of the Planning Commission, they recessed at approximately 10:25 p.m. until Wednesday, March 3, 1999 at 4 P.M. in the Board Room.

The March 3 meeting began with the roll call. Commission members present were: Willafay McKenna, John Hagee, Wilford Kale, Joe Poole, Martin Garrett; Absent were: Don Hunt and Alexander Kuras.

Martin Garrett said that he and Tammy Rosario spoke this morning and felt that it would be best if she brought the Commission members up to where they left off at the Monday night's meeting and then proceed with the remainder of the issues.

Tammy Rosario distributed a new voting guide entitled "Points of Difference Voting Sheet for 3/3/99." She stated she went through and listed those areas which were already decided on issues 1 through 4. She said today the Commission would be going over issues 5A through 5F. Number 5A had modified standards, something that Willafay McKenna had proposed during the previous meeting and staff drafted new language for that modification which was attached.

John Hagee asked what has been decided about the overall density in R-1 and R-2.

Tammy Rosario stated the Commission voted to allow densities of up to one dwelling unit per acre by right in R-1 and R-2 and up to 2 dwelling units per acre with a special use permit as provided in the staff version with those guidelines as amended by Willafay McKenna.

John Hagee said based on that, what was the difference of R-1 and R-2.

Tammy Rosario stated differences of minimum lot sizes, uses, and amounts of open space.

John Hagee asked why we should be concerned about minimum lot sizes.

Tammy Rosario stated that was the fundamental established difference. In R-2 it's 10,000 sq. ft. and in R-1 it's 15,000 sq. ft. One thing staff liked was the consistency between previous R-1 and R-2 developments and the new R-1 and R-2 so there would not be a lot of issues related to nonconforming subdivisions and nonconforming lots.

Joe Poole asked for a recap of what the Commission decided on the clusters with specially permitted uses for R-1 and R-2 during the Monday evening meeting.

Tammy Rosario stated the Commission had decided to delete clusters as a specially permitted use in R-1 but to allow it in R-2, by SUP over 1 dwelling unit per acre.

Marvin Sowers stated the Commission's vote was 6-0 in the R-1 provisions and 5-1 in the R-2 provisions.

Tammy Rosario clarified that she did not believe the Commission decided that all clusters in R-2 needed a special use permit, only those over one dwelling unit per acre.

Tammy Rosario stated that both the committee and staff envisioned a version where a developer may want to do a cluster of zero to one dwelling unit per acre.

Wilford Kale asked if that was a cluster.

Tammy Rosario stated it was the provision of open space and the clustering of lots with no minimum lot sizes that really defined a development as a cluster.

Marvin Sowers said there might be a parcel that had a lot of non developable land on it and only a small area where the dwelling units could be. The development of such a site under the ordinance would constitute a cluster in that we would need to adjust the lot sizes to not conform to the standard R-1 and R-1 lot sizes.

Wilford Kale said that the developer would still not get down below one dwelling unit per acre.

Martin Garrett said that was based on gross not net density; we could still have a cluster where there was a lot of undeveloped land.

John Hagee asked if there was one unit per acre, and the developer wanted to put all the lots on one side of the site, maintaining the minimum lot size under R-1, then it would be their decision to decide where to put the roads, lots and utilities.

Marvin Sowers said that if it were a cluster, there would be no minimum lot size and that's one of the main differences. There are potential examples where there wasn't much developable area. In order to achieve the yield, they would not be able to conform to the large standard lot sizes.

MODIFICATIONS TO STANDARDS 4 AND 5 AND CLUSTER DENSITY STANDARDS FOR LOW DENSITY RESIDENTIAL

Tammy Rosario wanted to clarify that the work session she spoke of was the Board work session on these items. She did not believe it was a joint work session and added that anyone could attend.

Tammy Rosario proposed that the first item for discussion would be handout 5A, modified standards 4 and 5. She asked the Commission to look over it and make sure it reflected what the Commission discussed Monday evening.

Martin Garrett asked if anyone had comments regarding the change in language that staff made.

Willafay McKenna felt it changed the meaning of what the Commission spoke about, although she said she had no problem with standard number 4 regarding sidewalks. In number 5 regarding recreation, what the Commission spoke about was having it read "a provision of a major recreational facility, such as a swimming pool, tennis, baseball court . . . or a formal landscaped park." She said those items were no longer listed and the Commission considered those to be acceptable under certain circumstances.

John Hagee stated on the 2-3 units per acre cluster, he was taking Willafay McKenna's changes on the recreational requirements as acceptable. What was being presented was not what they approved.

Tammy Rosario stated she did not intend, by deleting the language, to exclude it. She said she did not want to provide too much of a list.

Willafay McKenna said when the Commission spoke about it, they felt it was a good list and they would not have to distinguish between a major recreation facility and the other things. It would be what would be appropriate to that particular development.

Don Davis asked Willafay McKenna if it would solve her concerns if staff put the language struck through number 5 back in.

Willafay McKenna said staff had to revise standard 5 to say "clubhouse facility, or," then add all the alternatives.

John Hagee suggested that they delete the word "or" and just let it read: clubhouse facility, formal landscaped park, including gardens, picnic areas, etc.

Don Davis said that staff would make that change to the language and include it in number 5 so the Commission could proceed and vote on handout 5A and continue on with handout 5B.

John Hagee said that the wording "in lieu of such a facility at the discretion of the planning commission" and "the planning commission may approve a facility for residential cluster of less than 20 units" would be deleted.

Wilford Kale said that the same basic phrase also goes above in the two prior sections on standard 5.

John Hagee said they were looking at the wording in standards 4 and 5 but not looking at them in concert with the 2 to 3 units per acre.

Wilford Kale stated that number 5 was in all three sections and they left off with the bonus situation on 3 to 4 units per acre the other evening.

John Hagee asked, on the provision of sidewalks on at least one side of all internal streets, if that was what the committee had in the 2 to 3 units per acre.

Tammy Rosario stated that it was staff's understanding that standard number 4 and 5 as shown and amended by the Commission tonight, applied to R-1 and R-2 with a special use permit. From staff's records, number 4, the Commission had a different version in the clusters.

John Hagee stated in R-1 and R-2 it was the committee's recommendation that there be no requirement for sidewalks and he thought that the Planning Commission also agreed not to have a requirement for sidewalks.

Willafay McKenna stated that as long as the cluster densities were one unit per acre and for two units per acre, then the Commission may look at it. She felt it should come later than that.

John Hagee and Wilford Kale both suggested the Commission make it later.

Martin Garrett thought that the change was made and that the only sidewalks were from the street to the entrance of the first main street within the subdivision,

John Hagee stated that was what the committee recommended for 2-3 units per acre clusters and when the committee went to 3 to 4 per acre they made the sidewalks internal.

Wilford Kale felt there would be no need to have sidewalks in 1 or 2 or even a cluster 2 units per acre since they wouldn't have that much additional traffic. He suggested going back to what John Hagee suggested and have sidewalks on one side of the street for 2 units and above.

Wilford Kale asked when would you want to have it on all internal streets.

John Hagee and Martin Garrett both said on 3-4 units.

Tammy Rosario stated the Commission was requiring no sidewalks for 1-2 units per acre for R-1, R-2, and cluster.

Marvin Sowers stated that was different from what they recommended on Monday night. He said they recommended on a 5-1 vote to put them on one side of all internal streets above one acre, with a waiver provision.

Wilford Kale stated if he had voted for the sidewalks on Monday night, he had the opportunity now to say that he did not want to recommend sidewalks and he would not vote for it.

John Hagee said the Commission took the committee version on sidewalks for clusters 1 to 2 units per acre, on 2 to 3 units per acre with sidewalks on one side of all collector streets.

Tammy Rosario reviewed the Commission's requirements. For clusters there would be no sidewalks in 1-2 units per acre; in 2-3 sidewalks on one side of all collector streets in developments of 50 lots or more; in 3-4 sidewalks on one side of all collector streets in developments of 50 lots or more.

Willafay McKenna stated staff had walkways from group/shard parking areas to sidewalks in 3 to 4 units per acre clusters. Sidewalks in the committee version were listed twice and they were different.

Tammy Rosario stated that was an additional provision.

John Hagee said the committee version for 3 to 4 units had sidewalks on one side of all collector streets the same as it does on 2 to 3 units.

Marvin Sowers asked Tammy Rosario to also review the R-1 and R-2 decision of the Commission, based on today's discussions.

Tammy Rosario stated there was no requirement for sidewalks in densities from 1 to 2 units per acre in R-1 and R-2.

Joe Poole said that the street scape guidelines, archeology study, endangered species habitat would remain and major recreation facility. Discussion was only for the sidewalks.

Don Davis stated staff had a different recollection of what the Commission did on Monday night on this same issue. In absence of legal counsel, he asked that the Commission vote on what was just discussed. Then they needed to go back down the points of difference very specifically and vote on that language that just changed. He said they needed to vote on the sidewalks, which was to accept the committee's version.

The Commission was in unanimous agreement with the changes discussed previously regarding sidewalks and recommended the committee's version as stated by Tammy.

Don Davis now asked that they vote on the language that was just changed.

Tammy Rosario stated that the sidewalk provision was no longer applicable, as the Commission

had just deleted the requirement for sidewalks. The Commission agreed.

Tammy Rosario asked that the Commission now take a vote on number 5, the recreational facility.

John Hagee read the number 5 statement to the Commission.

Tammy asked the Commission if they wanted to keep in the text: "in addition any requirements or contributions suggested in the County's Master Recreation Plan shall be provided if not met by the requirement above."

Willafay McKenna and Wilford Kale both felt that language should be kept in.

The Commission was in unanimous agreement with number 5, with the additional language.

CLUSTER DENSITY STANDARDS FOR LOW DENSITY: 2-3 DWELLING UNITS PER ACRE

Tammy Rosario stated the next item was B3 which the Commission was to determine what the density standards were for 2-3 units per acre. She referred them to the spread sheet. She stated the Commission had gone through and decided a large part of this but she felt it should be revisited. What she put in there was what she remembered and saw from her notes as the Commission's version of what would happen in 2 to 3 units per acre.

John Hagee stated he did not remember the discussion on sidewalks along the external road.

Tammy Rosario stated that was a standard provision that was in the ordinance now. It was added to make things clear.

Wilford Kale said that 2-3 looked correct with the modifications to standard 5, major recreation facility.

John Hagee reread the modification the Planning Commission had just made to the major recreation facility standard. He said that Wilford Kale was suggesting that the word "and" be put before the clubhouse facility.

Wilford Kale said no, that in the series it was those four plus a formal landscaped park.

Joe Poole said he read it to say, swimming pool, tennis and/or basketball court, clubhouse facility or a landscaped park.

Wilford Kale pointed out the words "such as" made the need for the word "and."

Willafay McKenna suggested the following: "provision of a recreation facility, such as swimming pool, tennis and/or basketball court, clubhouse facility or formal landscaped park. 'Formal landscaped park' shall include: . . ."

Don Davis stated staff wanted to return to the 2 to 3 units per acre. He said the text before them was what staff perceived to the Commissions version as adopted Monday night. He asked that they review the text and then they'd proceed to the 3 to 4 units per acre.

John Hagee stated the committee's version had preservation of 25% of existing open space and the Commission no longer had to concern themselves with that.

Martin Garrett asked to strike that out that standard.

John Hagee suggested that "waiver allowed" be added to standard number 6 for trail connections for under 2 to 3 units per acre.

The Commission unanimously agreed upon the 2 to 3 units per acre density standards, as presented in the Planning Commission version on handout 5B, with changes to the recreation area and trails standards.

CLUSTER DENSITY STANDARDS FOR LOW DENSITY: 3-4 DWELLING UNITS PER ACRE

Tammy Rosario said that she took everything the Commission was requiring in 2 to 3 units per acre and then added one to three of the density bonuses in order to get the 3 to 4 units per acre.

Don Davis stated in order to get the 3 to 4 units per acre the requirements would be: street scape guidelines; archeological study; preservation of endangered species habitat; sidewalks on one side of any collector streets in developments of 50 lots or more, major recreation facility, pedestrian or bike trails connecting cul-de-sacs, with waiver; curb and gutter, waiver allowed, plus one or more density bonuses from the base to 3 dwelling units per acre.

Willafay McKenna stated she had to differ with the recommendation based on the issue of affordable housing. The only way affordable housing could be provided would be for the density to be greater than one unit per acre. She said she checked the affordable dwelling unit ordinance in the Virginia State Code and she believed that this also appeared in our goals and objectives for a number of years. She suggested that, if a developer wanted to get to three units per acre they would have to provide at least 10% of the proposed units as affordable housing units and those units could be constructed on the site subject to the SUP or they could be constructed on a separate site, or a contribution could be made to the County for rehabilitation of exiting housing. In addition, she proposed there be conditions on the resale of those units constructed as affordable housing units.

Martin Garrett asked Willafay McKenna if she was talking about people who could not financially afford a house.

Willafay McKenna said she was not. She asked the Commission members if they were aware of the fact that we do not employ any police officers in this County who can afford to live in this County. She stated that very few employees who work for the County can afford to live here unless they had two incomes. She stated the County and private industry do not pay enough and were presently importing 16,000 people daily to work for the service industries that keep this County going.

Martin Garrett stated there had to be a distinction between a subsidized unit and an affordable unit.

Willafay McKenna stated that some of the affordable units were subsidized by the County through a fund that had been developed to help them get low interest loans. She said she was talking about housing that would accommodate people who fall within the median income range of this County.

Martin Garrett said he did not object to putting standards on those who needed financial help, but

when you go to least cost housing you cannot put 5, 10, or 15 years on restriction of resale values.

Willafay McKenna felt they were not meeting the needs for affordable housing. She said if they were going to step back from the position taken in respect to the number of units per acre and allow increased development, then the County should get a payback for that. If a developer participates in helping the County with affordable housing, the County should allow development at a higher rate.

Martin Garrett asked Willafay McKenna if she was referring to all residential or just cluster.

Willafay McKenna said she was speaking on R-2 and only if a developer wanted to go 3 units per acre or above.

Don Davis stated Willafay McKenna should put her suggestion in the form of a motion. He suggested the Commission go the section of 3-4 dwelling units per acre and add an item number 3 to provide up to a one unit per acre bonus with roughly the language used by Willafay McKenna so a developer would come in with a 3 unit per acre that would go automatically to 4 units with provisions of affordable housing.

Willafay McKenna had a minor problem as to how staff would determine it. Giving a percentage may be harder to translate than saying if you anticipate building 50 units, 5 have to be affordable. Those units can be within the 50 units you develop or put somewhere else with some conditions, or they could contribute to the County for rehabilitation of existing housing stock.

Don Davis suggested the Commission vote on that issue.

John Hagee commented that Willafay McKenna's motives are reasonable but what she was proposing at the moment was a lot of information and he felt he was not in a position to make a decision. He thought it needed further discussion and felt it was too complex of a situation to resolve without getting the rest of the County departments involved as well. He suggested dealing with this issue as they did with the A-1 District, which was taken to another committee.

Don Davis said it was reasonable that the Commission make a recommendation to the Board that the issue of affordable housing was strategically important and do not feel this ordinance adequately addressed it.

Martin Garrett suggested that the Commission take the advice of staff and give the Board a recommendation with their concern of affordable housing.

Joe Poole stated the Comprehensive Plan process pointed to the need to addressing affordable housing as well. He felt that could be added to the language staff was to prepare.

Wilford Kale suggested the Commission could come back at a later time and amend whatever issues were needed to solve the affordable housing question.

Willafay McKenna suggested the Commission put back in at least what was recommended by staff, as far as the .2 units per acre for every 10% of the total number of units dedicated to affordable housing, as a way to do something. Wilford Kale agreed.

John Hagee also agreed, and suggested that it be .5 units per acre instead of .2.

The Commission unanimously agreed to the standards and to include the affordable housing density bonus, with the changes made by Willafay McKenna and John Hagee. Willafay McKenna, Martin Garrett, John Hagee, and Wilford Kale also agreed to the other two density bonuses for superior design.

Joe Poole said he could not support the increased density for bonuses 2 and 3 (quality design).

CLUSTER DENSITY STANDARDS FOR MODERATE DENSITY RESIDENTIAL: 4 - 9 DWELLING UNITS PER ACRE

Tammy Rosario stated the next item was C1, Moderate Density Cluster. She said this was very similar in structure to what the Commission just discussed for 2 to 3 and 3 to 4 units per acre.

Martin Garrett stated the only difference was that the property had to be designated Moderate Density Cluster on the Comprehensive Plan.

Tammy Rosario suggested the Commission review standard numbers 4 through 9 first to make sure they were comfortable with them. She said these items were discussed with Martin Garrett as to where he and staff felt the Commission might be headed. She pointed out item number 5 which was for 4 to 9 dwelling units per acre clusters was similar to what they had for 2 to 3 units clusters with the understanding that the designation would be Moderate Density Cluster. She said they would also add the waiver language for number 6 regarding trail connections.

John Hagee asked if, during the Community Conversations, was there a demand for sidewalks in cluster areas. His experience had been that people don't want them. He asked why we were forcing them to have sidewalks and wanted to know who was pushing this issue. If sidewalks were important to the people in the developments, then the developer would put them in.

Willafay McKenna stated when you get to a higher density, she felt they became more necessary. She also felt they were being implemented in response to their concerns about the environment and easing foot and bike traffic for travel without relying on motor vehicles all the time.

Martin Garrett said that residents in his neighborhood drive, walk, and bike down the roads all the time.

Willafay McKenna felt for a large tract of land that would be developed with a high density of 9 to 12 units, sidewalks should be a requirement that should be seriously considered even if it was with a waiver.

John Hagee and Martin Garrett both agreed that they wouldn't mind putting in a waiver.

Marvin Sowers reiterated that the Commission was looking at the committee's version with waiver allowed. He also asked the Commission if they wanted to use the language in number 5 or the language they used for the Low Density.

Martin Garrett said that he would rather go with Low Density language.

Joe Poole said he preferred the language on the Commission's version for number 5.

It was unanimously agreed by the Commission to add the italicized words "requirement may be modified" as shown on handout 5C for densities 4-9 dwelling units per acre.

Tammy Rosario recapped the Commission's position on standards 4 through 9. Street scape islands; archeological study; habitat; sidewalks on both sides of all internal streets, this can be waived by the Planning Commission. Number 5 will have the major recreation facility language which you developed previously, with added italicized language. Number 6 was the pedestrian or bike trails connecting cul-de-sacs with a waiver allowed. Number 7 was curb and gutter with a waiver allowed.

The Commission unanimously agreed.

CLUSTER DENSITY STANDARDS FOR MODERATE DENSITY RESIDENTIAL: 9 TO 12 UNITS PER ACRE.

Tammy Rosario stated the next step would be to review the next level of density.

Martin Garrett asked if anyone had any comments.

Wilford Kale suggested they keep everything they have the way it is and just consider how they want to do the bonuses.

The Commission agreed to keep the same standards as approved in 4 to 9 dwelling units per acre.

Tammy Rosario suggested that, if the Commission planned to go in the same direction as they did for Low Density by adding back in the affordable housing bonus, they change the base to 9 dwelling units per acre.

The Commission concurred.

Tammy Rosario wanted to make sure the Commission saw the last density bonus which was one dwelling unit per acre for a public use site of five acres or more.

John Hagee asked how this worked for apartments.

Tammy Rosario said this was taken from the previous ordinance and what it had suggested as a bonus. What was envisioned was if there was a park that would be dedicated to the County for the community, or perhaps there was a needed facility in that area, such as a fire station, the developer could donate property for that purpose.

John Hagee said he was asking if they added wording on affordable housing about the bonus, 10% for a .5 unit increase, how would that be determined in apartments.

Tammy Rosario stated she discussed this in terms of per dwelling unit cost but not in terms of rental fees. If it were a condominium, she assumed it would be with the cost per unit as established here. In a rental situation, she was not sure how they would do that.

Martin Garrett asked whether the Commission wanted it to apply to R-5.

John Hagee asked how much open space was required in R-5.

Tammy Rosario stated it was a ratio of one acre of recreation area for every 50 units.

Martin Garrett said the affordable housing issue would not come up with respect to apartments.

Tammy Rosario asked if the Commission was going to add the affordable housing bonus into the 9 to 12 units per acre. She added that this was for Moderate Density Cluster.

Wilford Kale commented that this was the same issue they were waltzing through before that he felt should go back to the committee to see what elements can be put in to make affordable housing work.

Martin Garrett asked if the Commission wanted to go ahead and have the affordable bonus starting at nine.

John Hagee asked how one would go from 9 units per acre to 12 units per acre by using only bonuses 1 and 2 (superior design) knowing they won't have enough open space to save.

Willafay McKenna said they could give the five acres as a public use. She asked if the County had anything that was up to 12 units per acre.

Marvin Sowers said that Steeplechase perhaps had 12 units per acre and LaFontaine might be around that limit.

John Hagee said the condominiums by the river in Kingsmill were approximately 10 units per acre.

Willafay McKenna asked if they could go to a number less than 12.

Tammy Rosario stated for R-5 without a cluster the committee decided to have up to 9 dwelling units per acre. For the cluster they wanted to allow between 4 and 12 units. She said the committee decided that if a developer wanted to get to 9 to 12 units per acre, he would have to go to cluster. Staff concurred with the committee.

John Hagee asked if someone wanted to do 12 unit per acre apartments, what zoning would they need.

Tammy Rosario said they could do it in R-5 with a cluster, R-4, PUD as part of an overall plan of development, or as part of a mixed use development.

Martin Garrett asked what the Commission wanted regarding the affordable housing in the 9 to 12 units per acre.

The Commission agreed to place it in along with the other standards and bonuses proposed for 9 to 12.

OPEN SPACE FOR AFFORDABLE HOUSING

Tammy Rosario continued with issue 5D, open space for affordable housing. She said staff made a recommendation to allow the Planning Commission and Board to reduce the open space requirement from 35% in moderate density areas to 20% and from 40% in low density areas to 25% as an incentive for

affordable housing. She added the committee did not discuss the issue.

John Hagee said he would like to put that topic in for future discussion. He said there was something to be said about having buffers in those areas as well.

Tammy Rosario stated that does not preclude any buffers. It is the overall open space requirement.

Martin Garrett suggested that the Commission leave the study on affordable for the future. There were no objections from the Commission.

OPEN SPACE IN MODERATE DENSITY CLUSTERS

Tammy Rosario said the next issue was the percentage of open space in moderate density areas. The existing ordinance requires 35% in moderate density and 40% in low density areas. The committee made everything 40%. Staff recommended that it remains as it already exists.

John Hagee asked why staff did not change the open space requirements.

Tammy Rosario stated staff felt it allowed for more flexibility for the moderate density to develop because it was difficult to get the higher density.

Martin Garrett asked if anyone had any objection to going with staff's recommendation.

Joe Poole supported the committee's recommendation because open space was such an important part of the Comprehensive Plan.

John Hagee, Martin Garrett, and Wilford Kale were in favor of the staff' recommendation. Willafay McKenna was in favor of the committee's recommendation.

STATEMENT OF INTENT

Tammy Rosario presented the final issue which she said was a very personal issue. She felt staff tried to mimic the language in the Comprehensive Plan and the committee spent time to come up with their own. In response to a question, she said she did not know why they came to the decision they did, and this was a point in which Gary Pleskac was working with committee members Ellen Rudolph and Alex Kuras on. They both were elected by the committee members to deal with these final issues.

John Hagee asked why the staff had a problem with the committee statement of intent.

Tammy Rosario stated staff preferred language that more closely reflected what the Comprehensive Plan said for cluster which added language for mixed cost housing, the type of open space development design we were looking for, and the principles of open space design. It was lifted mostly from the Comprehensive Land Use Map text.

Willafay McKenna said she felt that was a good reason because we are trying to bring these ordinances in conformity with the Comprehensive Plan. The other thing was that statements of intent in ordinances have a definite purpose and are referred to often.

Marvin Sowers said there was really nothing technically wrong with either statement of intent that was before them. He said Willafay McKenna explained staff's goal if the ordinance was challenged, staff

wanted to make sure there was enough there to validate it. It would be a valid approach to simply take the two versions and combine the two together.

Martin Garrett agreed, and other Commission members generally agreed.

John Hagee did ask that Alex Kuras review for him the committee's reason for their statement of intent before he made a decision and if Alex did not have a problem with staff's version then, that could be sent to the Board. **The other Commission members then agreed with John Hagee's proposal.**

VOTE ON ENTIRE ORDINANCE

Marvin Sowers stated, the Commission needed to get a motion on the entire package containing the R-1, R-2 and Cluster ordinances.

John Hagee did have a question on R-1 and R-2. He said he still did not understand why these standards couldn't be incorporated into R-1 and then the only way they can be required to have an archeology study was if they go for an SUP. Why couldn't that be included in the ordinance?

Tammy Rosario stated without trying to speak for the attorneys' office, it was her understanding that, if they refer to a policy such as the archeology policy or group/shared parking policy it would require an process.

Joe Poole made a motion to approve the R-1, R-2 and Cluster Ordinances, as amended. He also added his appreciation to the committee. Motion was seconded by Willafay McKenna.

John Hagee asked, before we vote, where are we on the density issue where there was a 3-3 vote.

Marvin Sowers stated that in this particular case, since it was a split vote, it would go to the Board as a split vote.

John Hagee had a layout that he wished to show and discuss with the Commission pertaining to density and open space.

Wilford Kale asked if this was relevant to the motion and in what way. He stated that he had to leave and wanted to vote on the motion excluding the density portion so he would go on record.

John Hagee thought his layout was a clear indication of what the Commission actually decided on and he doubted whether the members realized what they did vote on.

Since Wilford Kale had to leave and Don Hunt was not present, John Hagee stated that this could be discussed at a later date and to continue with the voting.

Matin Garrett stated they had a motion and a second. In a roll call vote, motion passed (5-0). AYE: McKenna, Hagee, Kale, Pools, Garrett, (5); NAY: (0).

John Hagee stated he had taken one-hundred acres and laid them out according to the old ordinance on the left side, and then, on the right side he laid out the one-hundred acres with the new setback and buffer requirements. He explained the differences in each layout.

Willafay McKenna stated it would depend on the configuration of each individual development

because you will have to look at the ratio of developable to nondevelopable land. The impact could be greater if it more developable than one where it was not. But then you can count the buffer area.

Martin Garrett stated that had they known that this was going to occur, they might not have come up with buffers. That was not staff's idea but the committee's. He felt this was a serious issue.

Willafay McKenna said we have gotten this far and asked if there was another way of dealing with it before it went before the Board.

Martin Garrett commented that when it goes before the Board with a 3-3 vote, its saying that we really don't like what we did.

John Hagee said he was clearly disappointed. What his concern was that they took one from column A and one from column B and did not look at the entire package.

Willafay McKenna asked in their discussion between those two points of view, was this the type of thing when we might have wanted to add a waiver.

John Hagee said that anything might have helped. It certainly would have been better than nothing. Part of the problem of the process was that they needed to get at a more comprehensive look at what was going on and not just discount automatically. One thing the committee was trying to do was encourage more clusters and they felt the main issues were aesthetics and traffic.

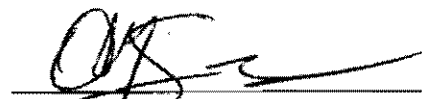
Willafay McKenna had suggested that, with this type of case and the implications that would have for what was going to happen in the future, the Commission hold a work session before it went to the regular Planning Commission Meeting.

11. ADJOURNMENT

There being no further business, the Planning Commission adjourned at approximately 6:00 P.M.



Martin A. Garrett, Chair



O. Marvin Sowers, Jr., Secretary