

MINUTES
PLANNING COMMISSION WORK SESSION
Tuesday, March 24, 2015
5:00 – 7:00 p.m.

I. PLANNING COMMISSION WORK SESSION

Location: NDS Conference Room, Charlottesville City Hall, 2nd Floor

Members Present: Commissioners Tanea Dowell, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Bill Palmer

Call to Order: by Vice-Chairman Kurt Keesecker at 5:07 p.m.

Transient Lodging Facilities - Matt Alfele, City Planner

- Staff has been working diligently since the last work session on February 24th to address concerns the PC has.
- On Feb 26th staff held an Open House to engage the public and gain feedback on the shared economy and Transient Lodging Facilities (TLF) in the community. The information is in your packets.
- Tonight we would like the commission to review the suggested changes to the Code that are found near the end of your packet and address questions 2 and 3.
- The vast majority of people running transient lodging in the city could be brought up to compliance through minor changes to the B&B homestay definition according to the city code.

Questions for the Commission to consider:

1. Could modifications to the City's Bed and breakfast (Homestay) definition and corresponding code address the majority of TLF types in the City?
2. Should the City allow TLFs that are not "residentially occupied" (i.e. the owner never resides at the property at any point during the year)?
3. Are there types of TLFs the City should not allow?

Commissioners Keller, Keesecker and Green talked about transient lodging with attached and detached family homes. They commented that the draft in the packet says a home occupation makes a TLF accessory for everything but a duplex is not an accessory building and might require another provision. They went on to say that it is still the family home because it is a single family residence with an interior accessory apartment or an exterior accessory apartment.

Commissioner Keller said she would like to have townhouses and duplexes excluded from the ordinance. Commissioner Keller said her objection is maintaining affordable residential housing in the city. It would be more profitable to rent to Transient Lodgers.

Commissioner Green said that owners cannot turn a hotel into an accessory use because it would be an accessory use to a residential use. She noted an owner can rent for periods longer than 30 days, and that would constitute a residential use in that unit.

Keesecker said the Commission seemed to be pretty comfortable with Transient Lodging in some fashion in houses that are occupied by the owner, and in which the primary use is residential in nature. He said this was because there is some sort of accountability to the neighbors and the immediate environment because the owner is the person managing the thing.

Commissioner Keller said her concern is about keeping that the housing inventory. It would be more profitable to rent to transient lodgers than to have it available to critical lodging perhaps.

Lisa Robertson said the discussion draft text says a home occupation makes transient lodging an accessory use for everything but a duplex that is side by side, because the other unit is not an accessory building and is not the person's permanent residence. That does not mean an owner could not do it but it might require another provision to authorize a duplex because to do that would require more language than what the Commission is looking at.

Commissioner Keller asked if the Commission is allowed to reference a zoning category and definition with a limit to homestay to R-1 categories.

Lisa Robertson said that it could be done through the land use matrix. The one thing the Commission would have to be careful of is the people who will go to extraordinary measures to try to sneak in an accessory apartment. The guest room definition excludes a kitchen just for that reason because a lot of people will go to extra length to get that dwelling unit in so they can have an extra rental. She said that the City excludes the kitchen facility for that reason.

Commissioner Green said that permitting TLFs via a home occupation like this is going to interrupt the neighborhood character of certain areas. A lot of these are single family with a cottage in the back, and the neighborhood feeling is maintained.

Commissioner Keesecker said he thought the Commission all agreed on that and that cottages that are long-term leased can be vacant for substantial amounts of time. He asked if it is better to have them empty more of the time or active all of the time. He wondered what the impact of TLFs would be in each category of residential use.

Commissioner Keesecker said that the owner-occupied properties are regulated by the control of the owner, and there is an appeal to running into people who do not live in your town. The negative aspect is the immediate impact of noise and trash, and living next to a TLF means an adjacent resident never has a neighbor.

Commissioner Keller stated that she was confused, knowing of instances in older buildings in the old R-3 zone that have two or three apartments in them, and have kitchen facilities. The uses change from time to time.

Commissioner Santoski said the lease is 30 days or less. Under 30 days and it is not a residence. He said he has the right to do what he wants as long as it is correct under the code.

Commissioner Lahendro said that the issue is the integrity of the neighborhood; as residents share a responsibility of each other. Transient lodgers break down that responsibility, but it adds interest to a neighborhood now. It could quickly start to overwhelm a neighborhood and the residents.

Commissioner of Revenue Todd Divers said that at the end of the day, the use is a licensed commercial activity. The City has to go and say that someone is running a business and needs a license.

Commissioner Keller said they would claim that the use is City approved, and maybe rent out 8 rooms.

Commissioner Santoski wondered where the Commission was and what they agreed on.

Commissioner Keesecker said that the Commission is generally okay with TLFs that are owner occupied or where the residential use as a long term component called a home occupation. Differences is that one use is not a home occupation.

Lisa Robertson said that a single family dwelling is a kitchen, bedroom, bathroom, and living room. The occupancy is the use.

Mr. Alfele was asked how many units fall into this category are not lived in. He said that he has asked for this data.

The Commission noted that it would be helpful to elaborate more on removing units from the market place.

Susan Lanterman of 405 Ridge Street operates a Bed and Breakfast, and has renters on the weekend. She said the City has a hard time regulating people. Tenants can be drunk and make a lot of noise, and there is a need for owners to have control. She said that TLFs are essentially little mini business, and they can overwhelm a neighborhood. She said she charges \$885 a month for her cottage, and could make the same amount through Airbnb by renting it 3 nights a month. She said she took two years to completely renovate the cottage and her renters are in a safe place. She mentioned she was concerned about safety, as she has had people call her looking for lodging after seeing the place they rented on AirBnB or similar services.

Karen Dougald of 20 University Circle, said there were 37 structures on University Circle. One structure has been purchase by someone whose home is in Palm Beach, Florida, and they do not know what his intent is for the house. She said the neighborhood used to house university and religious faculty. She said that University Circle is now at the tipping point. Most of the owners are trying to get more money. She said they have two transient lodging facilities, owned by Palm Beach lawyers. They have seen these houses host baseball teams, wedding parties, as well as being booked for Foxfield weekends.

Travis Wilburn – stated that last June, the representatives of the TLF industry brought up the issue because they wanted clarity from the City with regards to regulation. He said they are undertaking public outreach this upcoming Thursday at 1pm.

Kevin Davis, stated that there were no problems with the current units being used as TLFs, so the Commission should not ban the use.

Rebecca Quinn, raised concerns about safety inspections, because at some point the distinction between the home and the business will cause these units to need to be inspected for fire safety. She raised the issue of insurance, saying that many insurers will pull the insurance if the dwelling unit is used for transient lodging. She asked how would the City enforce the rules - would it be by complaint? She raised the issue of a duplexes versus a single owner deeded on a single lot, or deeded as two separate building. She said there would be an issue with the business tax and the room tax. She asked if the term “rent” was appropriate to the discussion.

Lisa Robertson read definition for hotel use and the term renting.

Unified Development Ordinance

The Planning Commission is being asked to endorse a new concept that would seek to merge the development regulations and subdivision ordinances and refer to the consolidated requirements as a Unified Development Ordinance. This is a change in state code that no longer allows localities to mandate a preliminary AND final submission. The staff desires City Code to clearly define all requirements for subdivision and zoning final plans in one ordinance.

Originally presented as “housekeeping items”, the Planning Commission questioned the scope of the significant changes. The Blue Ridge Home Builders Association also weighed in with two pages of concerns. Chief Deputy City Attorney Lisa Robertson dismissed their concerns suggesting now was not the time to discuss substantive provisions of the two ordinances being merged. In addition she wrote that the concerns relate to existing provisions of the City’s zoning ordinance or subdivision ordinance and are not new within the draft UDO.

Commissioner Green said that at pre-application meetings in the County, a planner and others are present at the table. She said she was in favor of the proposal.

Commissioner Santoski said he was in favor of the proposal.

Commissioner Dowell said she was in favor of the proposal.

Commissioner Lahendro agreed with the other Commissioners, and raised concern about PUDs that are not being presented with a statement of how the development meets the objectives of the PUD ordinance as an example of the current problem.

Commissioner Keesecker said he is concerned about the level of detail and when certain detail would be required. He said he would not be in favor of requiring technical details up front, because the cost of the submission would get too high.

Commissioner Keller said she did not like expedited review. She said she was concerned that the proposed changes might “over-meeting” people. She asked if it was possible to make the public meeting voluntary. She asked if all projects would be required to have a neighborhood meeting. She said that there needed to be minimum requirements that were clear.

Commissioner Keesecker said he would like to see hand drawn models only. He said less detail gives people better indications of scale.

Commissioner Keller said that plans should show the streetscape, ingress/egress, scale and context.

Commissioner Lahendro said he would like to see the substance of an application, rather than the image.

Adjourn at 7:35